

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 ONE HUNDRED SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 14, 2008

The House of Representatives convened at 12:30 p.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend James Tillberry, Hallock, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dettmer	Hausman	Lesch	Olin	Simpson
Anderson, B.	Dill	Haws	Liebling	Olson	Slawik
Anderson, S.	Dittrich	Heidgerken	Lieder	Otremba	Slocum
Anzelc	Dominguez	Hilstrom	Lillie	Ozment	Smith
Atkins	Doty	Hilty	Loeffler	Paulsen	Solberg
Beard	Drazkowski	Holberg	Madore	Paymar	Swails
Benson	Eastlund	Hornstein	Magnus	Pelowski	Thao
Berns	Eken	Hortman	Mahoney	Peppin	Thissen
Bigham	Emmer	Hosch	Mariani	Peterson, A.	Tillberry
Bly	Erhardt	Howes	Marquart	Peterson, N.	Tingelstad
Brod	Erickson	Huntley	Masin	Peterson, S.	Urdahl
Brown	Faust	Jaros	McFarlane	Poppe	Wagenius
Brynaert	Finstad	Johnson	McNamara	Rukavina	Walker
Buesgens	Fritz	Juhnke	Moe	Ruth	Ward
Bunn	Gardner	Kahn	Morgan	Ruud	Wardlow
Carlson	Garofalo	Kalin	Morrow	Sailer	Welti
Clark	Gottwalt	Knuth	Mullery	Scalze	Westrom
Cornish	Greiling	Koenen	Murphy, E.	Seifert	Winkler
Davnie	Gunther	Kohls	Murphy, M.	Sertich	Wollschlager
Dean	Hackbarth	Laine	Nelson	Severson	Zellers
DeLaForest	Hamilton	Lanning	Nornes	Shimanski	Spk. Kelliher
Demmer	Hansen	Lenczewski	Norton	Simon	

A quorum was present.

Kranz and Tschumper were excused.

Hoppe was excused until 1:10 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Olson moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 2605 and H. F. No. 2662, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Peterson, S., moved that the rules be so far suspended that S. F. No. 2605 be substituted for H. F. No. 2662 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2930 and H. F. No. 3287, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davnie moved that the rules be so far suspended that S. F. No. 2930 be substituted for H. F. No. 3287 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3139 and H. F. No. 2911, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Atkins moved that the rules be so far suspended that S. F. No. 3139 be substituted for H. F. No. 2911 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3218 and H. F. No. 3566, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nelson moved that S. F. No. 3218 be substituted for H. F. No. 3566 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3360 and H. F. No. 3132, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mullery moved that the rules be so far suspended that S. F. No. 3360 be substituted for H. F. No. 3132 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3758 and H. F. No. 3977, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Brynaert moved that the rules be so far suspended that S. F. No. 3758 be substituted for H. F. No. 3977 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3775 and H. F. No. 4051, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sailer moved that the rules be so far suspended that S. F. No. 3775 be substituted for H. F. No. 4051 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2008 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2008</i>	<i>Date Filed 2008</i>
3147		171	4:05 p.m. April 4	April 4
2262		173	4:05 p.m. April 4	April 4
2910		174	4:07 p.m. April 4	April 4
2653		176	4:10 p.m. April 4	April 4
2908		177	4:12 p.m. April 4	April 4
2918		178	4:15 p.m. April 4	April 4

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson from the Committee on Finance to which was referred:

H. F. No. 3547, A bill for an act relating to natural resources; modifying aquatic farm provisions; authorizing certain fees; modifying horse pass requirements; modifying report requirements for game and fish fund; modifying disposition of pheasant habitat improvement account; modifying wild turkey management account; modifying hunting and fishing licensing and taking provisions; requiring reports; providing for rulemaking; amending Minnesota Statutes 2006, sections 17.4981; 84.027, subdivision 15; 85.46, subdivision 1; 97A.015, by adding a subdivision; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2; 97A.435, subdivision 4; 97A.451, subdivision 4, by adding a subdivision; 97A.475, subdivision 5; 97A.485, subdivision 6; 97B.015, subdivision 5; 97B.041; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivision 6, by adding a subdivision; 97B.405; 97B.431; 97B.621, subdivision 3; 97B.711, subdivision 1; 97B.721; 97C.001, subdivision 3; 97C.005, subdivision 3; 97C.315, subdivision 1; 97C.355, subdivisions 4, 7, 7a; 97C.371, subdivision 4, by adding a subdivision; 97C.395, subdivision 1; Minnesota Statutes 2007 Supplement, sections 17.4984, subdivision 1; 97A.055, subdivision 4; 97A.405, subdivision 2; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.475, subdivisions 2, 3, 7, 11, 12, 16; 97B.036; 97B.328; 97C.355, subdivisions 2, 8; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 2006, section 97A.411, subdivision 2; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 17.4981, is amended to read:

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife. Aquatic farms must be licensed and given classifications to prevent or minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

- (1) prevent public aquatic life from entering an aquatic farm;
- (2) prevent release of nonindigenous or exotic species into public waters without approval of the commissioner;
- (3) protect against release of disease pathogens to public waters;
- (4) protect existing natural aquatic habitats and the wildlife dependent on them; and
- (5) protect private aquatic life from unauthorized taking or harvest.

(b) Private aquatic life that is legally acquired and possessed is an article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall report to the legislature, in odd-numbered years, the proposed license and other fees that would make aquaculture self-sustaining. The fees shall not cover the costs of other programs. The commissioner shall encourage fish farming in man-made ponds and develop best management practices for aquaculture to ensure the long-term sustainability of the program.

Sec. 2. Minnesota Statutes 2007 Supplement, section 17.4984, subdivision 1, is amended to read:

Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic farm without first obtaining an aquatic farm license from the commissioner.

(b) Applications for an aquatic farm license must be made on forms provided by the commissioner.

(c) Licenses are valid for five years and are transferable upon notification to the commissioner.

(d) The commissioner shall issue an aquatic farm license on payment of the required license fee under section 17.4988.

(e) A license issued by the commissioner is not a determination of private property rights, but is only based on a determination that the licensee does not have a significant detrimental impact on the public resource.

(f) By January 15, 2008, the commissioner shall report to the senate and house of representatives committees on natural resource policy and finance on policy recommendations regarding aquaculture.

(g) The commissioner shall not issue or renew a license to raise minnows in a natural water body if the natural water body is the subject of a protective easement or other interest in land that was acquired with funding from federal waterfowl stamp proceeds or migratory waterfowl stamp proceeds under section 97A.075, subdivision 2, or if the natural water body was the subject of any other development, restoration, maintenance, or preservation project funded under section 97A.075, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2006, section 84.027, subdivision 15, is amended to read:

Subd. 15. **Electronic transactions.** (a) The commissioner may receive an application for, sell, and issue any license, stamp, permit, pass, sticker, duplicate safety training certification, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. Notwithstanding section 97A.472, electronic and telephone transactions may be made outside of the state. The commissioner may:

(1) provide for the electronic transfer of funds generated by electronic transactions, including by telephone;

(2) assign an identification number to an applicant who purchases a hunting or fishing license or recreational vehicle registration by electronic means, to serve as temporary authorization to engage in the activity requiring a license or registration until the license or registration is received or expires;

(3) charge and permit agents to charge a fee of individuals who make electronic transactions and transactions by telephone or Internet, including issuing fees and an additional transaction fee not to exceed \$3.50;

(4) charge and permit agents to charge a fee not to exceed \$3.50 of individuals who use electronic bank cards for payment. An electronic licensing system agent charging a fee of individuals making an electronic card transaction in person must post a sign informing individuals of the fee. The sign must be near the point of payment, clearly visible, and include the amount of the fee;

(5) establish, by written order, an electronic licensing system commission to be paid by revenues generated from all sales made through the electronic licensing system. The commissioner shall establish the commission in a manner that neither significantly overrecovers nor underrecovers costs involved in providing the electronic licensing system; and

~~(5)~~ (6) adopt rules to administer the provisions of this subdivision.

(b) The fees established under paragraph (a), ~~clause clauses~~ (3) and (4), and the commission established under paragraph (a), clause ~~(4)~~ (5), are not subject to the rulemaking procedures of chapter 14 and section 14.386 does not apply.

(c) Money received from fees and commissions collected under this subdivision, including interest earned, is annually appropriated from the game and fish fund and the natural resources fund to the commissioner for the cost of electronic licensing.

Sec. 4. Minnesota Statutes 2006, section 84D.10, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** Unless otherwise prohibited by law, a person may place into the waters of the state a watercraft or trailer with aquatic macrophytes:

(1) that are duckweeds in the family Lemnaceae;

(2) for purposes of shooting or observation blinds attached in or on watercraft in amounts sufficient for that purpose, if the aquatic macrophytes are emergent and cut above the waterline;

(3) that are wild rice harvested under section 84.091; or

(4) in the form of fragments of emergent aquatic macrophytes incidentally transported in or on watercraft or decoys used for waterfowl hunting during the waterfowl season.

Sec. 5. Minnesota Statutes 2006, section 84D.13, subdivision 4, is amended to read:

Subd. 4. **Warnings; civil citations.** After appropriate training, conservation officers, other licensed peace officers, and other department personnel designated by the commissioner may issue warnings or citations to a person who:

(1) unlawfully transports prohibited invasive species or aquatic macrophytes;

(2) unlawfully places or attempts to place into waters of the state a trailer, a watercraft, or plant harvesting equipment that has aquatic macrophytes or prohibited invasive species attached;

(3) intentionally damages, moves, removes, or sinks a buoy marking, as prescribed by rule, Eurasian water milfoil;

(4) fails to drain water, as required by rule, from watercraft and equipment before leaving designated zebra mussel, spiny water flea, or other invasive plankton infested waters; or

(5) transports infested water, in violation of rule, off riparian property.

Sec. 6. Minnesota Statutes 2006, section 85.46, subdivision 1, is amended to read:

Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while riding, leading, or driving a horse on horse trails and associated day use areas on state trails, in state parks, in state recreation areas, and in state forests, a person 16 years of age or over shall carry in immediate possession and visibly display on person or horse tack, a valid horse trail pass. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) A valid horse pass is not required under this section for a person riding, leading, or driving a horse only on the portion of a horse trail that is owned by the person or the person's spouse, child, or parent.

Sec. 7. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision to read:

Subd. 44a. **Shelter.** "Shelter" means any structure set on the ice of state waters to provide shelter.

Sec. 8. Minnesota Statutes 2006, section 97A.045, subdivision 11, is amended to read:

Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner determines that action is necessary to prevent or control a wildlife disease, the commissioner may prevent or control wildlife disease in a species of wild animal in addition to the protection provided by the game and fish laws by further limiting, closing, expanding, or opening seasons or areas of the state; by reducing or increasing limits in areas of the state; by establishing disease management zones; by authorizing free licenses; by allowing shooting from motor vehicles by persons designated by the commissioner; by issuing replacement licenses for sick animals; by requiring sample collection from hunter-harvested animals; by limiting wild animal possession, transportation, and disposition; and by restricting wildlife feeding.

~~(b) The commissioner shall restrict wildlife feeding in, and within a 15-mile radius of a cattle herd that is infected with bovine 30-mile radius of, a tuberculosis management zone, as identified by the commissioner.~~

(c) The commissioner may prevent or control wildlife disease in a species of wild animal in the state by emergency rule adopted under section 84.027, subdivision 13.

Sec. 9. Minnesota Statutes 2007 Supplement, section 97A.055, subdivision 4, is amended to read:

Subd. 4. **Game and fish annual reports.** (a) By December 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

(i) the small game license surcharge under section 97A.475, subdivision 4;

(ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);

(iii) the trout and salmon stamp under section 97A.475, subdivision 10;

(iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);

~~(v) the turkey stamp~~ wild turkey management account under section ~~97A.475, subdivision 5, clause (3)~~ 97A.075, subdivision 5; and

(vi) the deer license donations and surcharges under section 97A.475, subdivisions 3, paragraph (b), and 3a;

(2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent;

(3) money credited to the game and fish fund under this section and purposes for which expenditures were made from the fund;

(4) outcome goals for the expenditures from the game and fish fund; and

(5) summary and comments of citizen oversight committee reviews under subdivision 4b.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 10. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an Ecological Services Operations Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and Department of Natural Resources administration;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the ~~turkey stamp~~ wild turkey management account and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a Budgetary Oversight Committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance.

(e) Each subcommittee shall choose its own chair, except that the chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The Budgetary Oversight Committee must make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 11. Minnesota Statutes 2006, section 97A.075, subdivision 4, is amended to read:

Subd. 4. **Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land;

(4) the promotion of pheasant habitat development and maintenance, including promotion and evaluation of government farm program benefits for pheasant habitat; and

(5) the acquisition of lands suitable for pheasant habitat management and public hunting.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs, except that prior to July 1, ~~2009~~ 2019, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

Sec. 12. Minnesota Statutes 2006, section 97A.075, subdivision 5, is amended to read:

Subd. 5. **Turkey stamps account.** (a) ~~Ninety percent of the revenue from turkey stamps~~ \$4.50 from each turkey license sold must be credited to the wild turkey management account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for wild turkeys on public and private land including forest stand improvement and establishment of nesting cover, winter roost area, and reliable food sources;

(2) acquisitions of, or easements on, critical wild turkey habitat;

(3) reimbursement of expenditures to provide wild turkey habitat on public and private land;

(4) trapping and transplantation of wild turkeys; and

(5) the promotion of turkey habitat development and maintenance, population surveys and monitoring, and research.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or to specific promotional or evaluative activities under paragraph (a), clause (5); or

(2) any permanent personnel costs.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 13. Minnesota Statutes 2006, section 97A.311, subdivision 5, is amended to read:

Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not including any issuing fees paid under section 97A.485, subdivision 6, if:

(1) the licensee dies before the opening of the licensed season. The original license and a copy of the death certificate must be provided to the commissioner; ~~or~~

(2) the licensee is unable to participate in the licensed activity because the licensee is called to active military duty or military leave is canceled during the entire open season of the licensed activity. The original license and a copy of the military orders or notice of cancellation of leave must be provided to the commissioner; or

(3) the licensee purchased two identical licenses for the same license season in error.

(b) This subdivision does not apply to lifetime licenses.

Sec. 14. Minnesota Statutes 2007 Supplement, section 97A.405, subdivision 2, is amended to read:

Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received. A person charged with violating the license possession requirement shall not be convicted if the person produces in court or the office of the arresting officer, the actual license previously issued to that person, which was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person was validly licensed. Upon request of a conservation officer or peace officer, a licensee shall write the licensee's name in the presence of the officer to determine the identity of the licensee.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial ~~turkey~~, migratory waterfowl, pheasant, or trout and salmon stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional \$2 fee. A pictorial turkey stamp may be purchased for a \$2 fee.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 15. Minnesota Statutes 2006, section 97A.431, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Persons eligible for a moose license shall be determined under this section and commissioner's rule. A person is eligible for a moose license only if the person:

(1) is a resident; and

~~(2) is at least age 16 before the season opens; and~~

~~(3) (2) has not been issued a moose license for any of the last five seasons or after January 1, 1991.~~

Sec. 16. Minnesota Statutes 2006, section 97A.433, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Persons eligible for an elk license shall be determined under this section and commissioner's rule. A person is eligible for an elk license only if the person:

(1) is a resident; and

~~(2) is at least age 16 before the season opens; and~~

~~(3) (2) has never been issued an elk license.~~

Sec. 17. Minnesota Statutes 2006, section 97A.434, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Eligibility for a prairie chicken license shall be determined by this section and by rule adopted by the commissioner. A person is eligible for a prairie chicken license only if the person:

~~(1) is a resident; and~~

~~(2) was born before January 1, 1980, or possesses a firearms safety certificate.~~

Sec. 18. Minnesota Statutes 2006, section 97A.435, subdivision 4, is amended to read:

Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons who are owners or tenants of and who live on at least 40 acres of land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. The qualifying land may be noncontiguous. Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. A license issued under this subdivision is restricted to the permit area where the qualifying land is located.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

(c) The commissioner shall presume that an applicant under this subdivision is eligible in order to ensure the timely processing of applications. An applicant that knowingly makes a false statement or a license agent that knowingly issues a license to an ineligible person is subject to the penalty provisions under section 97A.311.

Sec. 19. Minnesota Statutes 2007 Supplement, section 97A.441, subdivision 7, is amended to read:

Subd. 7. Owners or tenants of agricultural land. (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a ~~person~~ resident who is an owner or tenant of at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

Sec. 20. Minnesota Statutes 2007 Supplement, section 97A.451, subdivision 3, is amended to read:

Subd. 3. Residents under age 16; small game. (a) A resident under age 16 ~~may not~~ must obtain a small game license ~~but may~~ in order to take small game by firearms or bow and arrow without ~~a license~~ paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5, if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or
- (4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

Sec. 21. Minnesota Statutes 2006, section 97A.451, subdivision 4, is amended to read:

Subd. 4. **Persons Residents under age 16; big game.** ~~A person resident under the age of 16 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A person under the age of 14 must be accompanied by a parent or guardian to hunt big game.~~ by firearms or bow and arrow if the resident obtains a license to take big game and is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;

(3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a big game license that was not obtained using an apprentice hunter validation;

(4) age 12 and is accompanied by a parent or guardian. A resident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take big game; or

(5) age 10 or 11 and is under the direct supervision of a parent or guardian where the parent is within immediate reach and the youth obtains a license without paying the fee.

Sec. 22. Minnesota Statutes 2006, section 97A.451, is amended by adding a subdivision to read:

Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident under age 16 may obtain a big game license at the applicable resident fee under section 97A.475, subdivision 2, if the nonresident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;

(3) age 12 and is accompanied by a parent or guardian. A nonresident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take big game; or

(4) age 10 or 11 and is under the direct supervision of a parent or guardian where the parent is within immediate reach.

Sec. 23. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 2, is amended to read:

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

(1) for persons age 18 or over and under age 65 to take small game, \$12.50;

(2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

(3) for persons age 18 or over to take turkey, \$18 \$23;

(4) for persons under age 18 to take turkey, \$12;

~~(4)~~ (5) for persons age 18 or over to take deer with firearms, \$26;

~~(5)~~ (6) for persons age 18 or over to take deer by archery, \$26;

~~(6)~~ (7) to take moose, for a party of not more than six persons, \$310;

~~(7)~~ (8) to take bear, \$38;

~~(8)~~ (9) to take elk, for a party of not more than two persons, \$250;

~~(9)~~ (10) multizone license to take antlered deer in more than one zone, \$52;

~~(10)~~ (11) to take Canada geese during a special season, \$4;

~~(11)~~ (12) all season license to take three deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;

~~(12)~~ (13) all-firearm season license to take two deer throughout the state in any open firearms deer season, except as restricted under section 97B.305, \$52;

~~(13)~~ (14) to take prairie chickens, \$20;

~~(14)~~ (15) for persons at least age 12 and under age 18 to take deer with firearms during the muzzle-loader season or during the regular firearms season in any open zone or time period, \$13; and

~~(15)~~ (16) for persons at least age 12 and under age 18 to take deer by archery, \$13.

EFFECTIVE DATE. The amendment to clause (3) is effective March 1, 2009.

Sec. 24. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) for persons age 18 and older to take small game, \$73;

(2) for persons age 18 and older to take deer with firearms, \$135;

(3) for persons age 18 and older to take deer by archery, \$135;

(4) to take bear, \$195;

(5) for persons age 18 and older to take turkey, \$73 ~~\$73~~ \$78;

(6) for persons under age 18 to take turkey, \$12;

~~(6)~~ (7) to take raccoon or bobcat, \$155;

~~(7)~~ (8) multizone license to take antlered deer in more than one zone, \$270;

~~(8)~~ (9) to take Canada geese during a special season, \$4;

~~(9)~~ (10) for persons at least age 12 and under age 18 to take deer with firearms during the muzzle-loader season or during the regular firearms season in any open zone or time period, \$13; and

~~(10)~~ (11) for persons at least age 12 and under age 18 to take deer by archery, \$13.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to ~~(7)~~ (5), (7), and (8). An additional commission may not be assessed on this surcharge.

EFFECTIVE DATE. The amendment to paragraph (a), clause (5), is effective March 1, 2009.

Sec. 25. Minnesota Statutes 2006, section 97A.475, subdivision 5, is amended to read:

Subd. 5. **Hunting stamps.** Fees for the following stamps and stamp validations are:

(1) migratory waterfowl stamp, \$7.50; and

(2) pheasant stamp, \$7.50; ~~and~~

~~(3) turkey stamp validation, \$5.~~

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 26. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) to take fish by angling, \$37.50;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, \$26.50;

(3) to take fish by angling for a 72-hour period selected by the licensee, \$22;

(4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$50.50;

(5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$38.50; and

(7) to take fish by spearing from a dark house, \$37.50.

(b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clause (5). An additional commission may not be assessed on this surcharge.

Sec. 27. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 11, is amended to read:

Subd. 11. **Fish houses ~~and~~, dark houses, or shelters; residents.** Fees for the following licenses for a resident are:

(1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;

(2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;

(3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and

(4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

Sec. 28. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **Fish houses, dark houses, or shelters; nonresident.** Fees for fish house, dark house, or shelter licenses for a nonresident are:

- (1) annual, \$33;
- (2) seven consecutive days, \$19; and
- (3) three-year, \$99.

Sec. 29. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 16, is amended to read:

Subd. 16. **Resident bear hunting guides outfitters.** (a) The fee for a resident bear hunting outfitter license ~~to guide bear hunters~~ is \$82.50 and is available only to a Minnesota resident individual.

(b) The fee for a resident master bear hunting outfitter license is \$165. The fee to add an additional person under the license is \$82.50 per person.

Sec. 30. Minnesota Statutes 2006, section 97A.485, subdivision 6, is amended to read:

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must issue the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;
 - (2) Minnesota sporting, the issuing fee is \$1; and
 - (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing animals, the issuing fee is \$1;
 - (4) for a stamp validation that is not issued simultaneously with a license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;
 - (5) for ~~stamps~~ stamp validations issued simultaneously with a license, there is no fee;
 - (6) for licenses, seals, tags, or coupons issued without a fee under section 97A.441 or 97A.465, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;
 - (7) for lifetime licenses, there is no fee; and
 - (8) for all other licenses, permits, renewals, or applications or any other transaction through the electronic licensing system under this chapter or any other chapter when an issuing fee is not specified, an issuing fee of 50 cents may be charged at the discretion of the authorized seller.
- (b) ~~An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.~~
- (c) The agent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

(g) The commissioner may issue one-day angling licenses in books of ten licenses each to fishing guides operating charter boats upon receipt of payment of all license fees, excluding the issuing fee required under this section. Copies of sold and unsold licenses shall be returned to the commissioner. The commissioner shall refund the charter boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be maintained by the commissioner for one year.

Sec. 31. Minnesota Statutes 2006, section 97A.535, subdivision 1, is amended to read:

Subdivision 1. **Tags required.** (a) A person may not possess or transport deer, bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner.

(b) The tag ~~and the license~~ must be validated at the site of the kill as prescribed by the commissioner.

(c) Except as otherwise provided in this section, the tag must be attached to the deer, bear, elk, or moose at the site of the kill before the animal is removed from the site of the kill.

(d) The tag must remain attached to the animal until the animal is processed for storage.

(e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the kill without attaching the validated tag to the animal only while in the act of manually or mechanically dragging, carrying, or carting the animal across the ground and while possessing the validated tag on their person. A motor vehicle may be used to drag the animal across the ground. At all other times, the validated tag must be attached to the deer, bear, elk, or moose:

(1) as otherwise provided in this section; and

(2) prior to the animal being placed onto and transported on a motor vehicle, being hung from a tree or other structure or device, or being brought into a camp or yard or other place of habitation.

Sec. 32. Minnesota Statutes 2006, section 97B.015, subdivision 5, is amended to read:

Subd. 5. **Firearms safety certificate.** The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid for hunting until the year the person reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a ~~deer, bear, turkey, or prairie chicken~~ license to take big game that will become be valid when for hunting during the entire regular season for which the license is valid if the person reaches will reach age 12 during that calendar year. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Sec. 33. Minnesota Statutes 2007 Supplement, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. **Firearms and ammunition that may be used to take big game.** ~~(a)~~ A person may take big game with a firearm only if:

- (1) the rifle, shotgun, and handgun used is a caliber of at least ~~.23~~ .22 inches and with centerfire ignition;
- (2) the firearm is loaded only with single projectile ammunition;
- (3) a projectile used is a caliber of at least ~~.23~~ .22 inches and has a soft point or is an expanding bullet type;
- ~~(4) the ammunition has a case length of at least 1.285 inches;~~
- ~~(5)~~ (4) the ~~muzzle-loader~~ muzzleloader used is incapable of being loaded at the breech;
- ~~(6)~~ (5) the smooth-bore ~~muzzle-loader~~ muzzleloader used is a caliber of at least .45 inches; and
- ~~(7)~~ (6) the rifled ~~muzzle-loader~~ muzzleloader used is a caliber of at least .40 inches.

~~(b) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length, a .45 Winchester Magnum cartridge, a .50 A. E. (Action Express) handgun cartridge, or a 56-46 Spencer, 56-50 Spencer, or 56-56 Spencer cartridge.~~

Sec. 34. Minnesota Statutes 2007 Supplement, section 97B.035, subdivision 1a, is amended to read:

Subd. 1a. **Minimum draw weight.** A bow used to take big game or turkey must have a pull that meets or exceeds 30 pounds at or before full draw.

Sec. 35. Minnesota Statutes 2007 Supplement, section 97B.036, is amended to read:

97B.036 CROSSBOW HUNTING DURING FIREARMS ~~DEER~~ SEASON.

Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer, bear, or turkey by crossbow during the respective regular firearms ~~deer season~~ seasons. The transportation requirements of section 97B.051 apply to crossbows during the regular firearms deer, bear, or turkey season. Crossbows must meet the requirements of section 97B.106, subdivision 2. A person taking deer, bear, or turkey by crossbow under this section must have a valid firearms ~~deer~~ license to take the respective game.

Sec. 36. Minnesota Statutes 2006, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

- (1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;
- (2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle ~~and only short, long, and long rifle cartridges that are caliber of .22 inches containing only .17 caliber rimfire cartridges, .22 short, long, or long rifle cartridges, or .22 magnum caliber cartridges;~~

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

EFFECTIVE DATE. This section is effective August 1, 2008.

Sec. 37. Minnesota Statutes 2006, section 97B.106, subdivision 1, is amended to read:

Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may issue a special permit, without a fee, to take big game, small game, or rough fish with a crossbow to a person that is unable to hunt or take rough fish by archery because of a permanent or temporary physical disability. A crossbow permit issued under this section also allows the permittee to use a bow with a mechanical device that draws, releases, or holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

(b) To qualify for a crossbow permit under this section, a temporary disability must render the person unable to hunt or fish by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability must be established by medical evidence, and the inability to hunt or fish by archery for the required period of time must be verified in writing by a licensed physician or chiropractor.

(c) The person must obtain the appropriate license.

Sec. 38. Minnesota Statutes 2006, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. **Possession of firearms prohibited.** ~~Except when hunting bear,~~ A person may not take ~~big game~~ deer by archery while in possession of a firearm.

Sec. 39. Minnesota Statutes 2006, section 97B.301, subdivision 6, is amended to read:

Subd. 6. **Residents or nonresidents under age 18 may take deer of either sex.** A resident or nonresident under the age of 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents or nonresidents under age 18, under the procedures provided in section 97B.305, and may give preference to residents or nonresidents under the age of 18 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Sec. 40. Minnesota Statutes 2006, section 97B.301, is amended by adding a subdivision to read:

Subd. 8. **All-firearm season deer license.** (a) A resident may obtain an all-firearm season deer license that authorizes the resident to hunt during the regular firearms and muzzle-loader seasons. The all-firearm season license is valid for taking two deer, no more than one of which may be a legal buck.

(b) The all-firearm season deer license is valid for taking antlerless deer as prescribed by the commissioner.

(c) The commissioner shall issue two tags when issuing a license under this subdivision.

Sec. 41. Minnesota Statutes 2007 Supplement, section 97B.328, is amended to read:

97B.328 BAITING PROHIBITED.

Subdivision 1. **Hunting with aid of bait or feed prohibited.** ~~(a)~~ A person may not hunt deer:

(1) with the aid or use of bait ~~or feed~~; or

(2) in the vicinity of bait ~~or feed~~ if the person knows or has reason to know that bait ~~or feed~~ is present; ~~or,~~

~~(3) in the vicinity of where the person has placed bait or caused bait to be placed within the previous ten days.~~

~~(b) This restriction does not apply to:~~

Subd. 2. **Removal of bait.** An area is considered baited for ten days after the complete removal of all bait or feed.

Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and that has been placed by a person. Liquid scents, salt, and minerals are not bait or feed.

~~(4) Food resulting from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar land management activities; ~~or~~ is not bait or feed unless it has been placed by a person.~~

Subd. 4. **Exception for bait or feed on adjacent land.** ~~(2) A person otherwise in compliance with this section who is hunting on the person's own private or public property, when that is adjacent to property where bait or feed is present is not in violation of this section if the person has not participated in, been involved with, or agreed to baiting or feeding wildlife on the adjacent land owned by another person property.~~

Sec. 42. Minnesota Statutes 2006, section 97B.405, is amended to read:

97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

(b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area. A person applying for a permit shall submit the applicable license fee under section 97A.475 with the application. If a person is not selected for a bear hunting permit, the person may elect to have the license fee refunded or held and applied to a future license or permit.

Sec. 43. Minnesota Statutes 2006, section 97B.431, is amended to read:

97B.431 BEAR HUNTING ~~GUIDES~~ OUTFITTERS.

(a) A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear hunting guide outfitter license. A bear hunting guide outfitter is not required to have a license to take bear unless the guide outfitter is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

(b) The commissioner shall establish a resident master bear hunting outfitter license under which one person serves as the bear hunting outfitter and one other person is eligible to guide and bait bear. Additional persons may be added to the license and are eligible to guide and bait bear under the license, provided the additional fee under section 97A.475, subdivision 16, is paid for each person added. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

Sec. 44. Minnesota Statutes 2006, section 97B.621, subdivision 3, is amended to read:

Subd. 3. **Nighttime hunting restrictions.** To take raccoons between one-half hour after sunset and one-half hour before sunrise, a person:

- (1) must be on foot;
- (2) may use an artificial light only if hunting with dogs;
- (3) may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle; rimfire ammunition; and
- (4) may not use shotgun shells with larger than No. 4 shot.

Sec. 45. Minnesota Statutes 2006, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and January 3 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) bob-white quail; and
- (8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

(c) The commissioner shall allow a four-week open season for turkey in the fall for the area designated as turkey permit area 601 as of the 2008 season.

Sec. 46. Minnesota Statutes 2006, section 97B.721, is amended to read:

97B.721 LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license ~~and a turkey stamp validation.~~

~~(b) The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18.~~ An unlicensed adult age 18 or older may assist a licensed wild turkey hunter. The unlicensed adult may not shoot or possess a firearm or bow while assisting a hunter under this paragraph and may not charge a fee for the assistance.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

EFFECTIVE DATE. This section is effective March 1, 2009.

Sec. 47. Minnesota Statutes 2006, section 97C.001, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other requirements.** The commissioner may, in accordance with the procedures in subdivision 2 or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on experimental waters. Notwithstanding the limits on seasons in section 97C.395, subdivision 1, the commissioner may extend the end of a season for up to two weeks to take a fish species in an experimental water when the harvest level for the species in that season is less than the harvest goal of the experimental regulations.

Sec. 48. Minnesota Statutes 2006, section 97C.005, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters. Notwithstanding the limits on seasons in section 97C.395, subdivision 1, the commissioner may extend the end of a season for up to two weeks to take a fish species in a special management water when the harvest level for the species in that season is less than the harvest goal of the special management regulations.

Sec. 49. Minnesota Statutes 2006, section 97C.205, is amended to read:

97C.205 TRANSPORTING AND STOCKING FISH.

(a) Except on the water body where taken, a person may not transport a live fish in a quantity of water sufficient to keep the fish alive, unless the fish:

- (1) is being transported under an aquaculture license as authorized under sections 17.4985 and 17.4986;
- (2) is being transported for a fishing contest weigh-in under section 97C.081;
- (3) is a minnow being transported under section 97C.505 or 97C.515;

(4) is being transported by a commercial fishing license holder under section 97C.821; or

(5) is being transported as otherwise authorized in this section.

(b) The commissioner may adopt rules to allow and regulate:

(1) the transportation of fish and fish eggs; and

(2) the stocking of waters with fish or fish eggs.

The commissioner must allow the possession of fish on special management or experimental waters to be prepared as a meal on the ice or on the shore of that water body if the fish:

(1) were lawfully taken;

(2) have been packaged by a licensed fish packer; and

(3) do not otherwise exceed the daily possession limits.

(c) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:

(1) prescribe methods to acquire brood stock for the ponds by seining public waters;

(2) allow the sporting organizations to own and use seines and other necessary equipment; and

(3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.

(d) A person age 16 or under may, for purposes of display in a home aquarium, transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow, and brown bullheads taken by angling. No more than four of each species may be transported at any one time, and any individual fish can be no longer than ten inches in total length.

Sec. 50. **[97C.303] CONSERVATION ANGLING LICENSE.**

Subdivision 1. **Availability.** The commissioner shall make available a conservation angling license according to this section. Conservation angling licenses shall be offered for resident and nonresident individuals, resident married couples, nonresident married couples valid for 14 consecutive days, and nonresident families.

Subd. 2. **Daily and possession limits.** Daily and possession limits for fish taken under a conservation angling license are one-half the daily and possession limits for the corresponding fish taken under a standard angling license, rounded down to the next whole number if necessary.

Subd. 3. **License fee.** The fee for a conservation angling license issued under this section is two-thirds of the corresponding standard angling license fee under section 97A.475, subdivision 6 or 7, rounded to the nearest whole dollar.

Sec. 51. Minnesota Statutes 2006, section 97C.315, subdivision 1, is amended to read:

Subdivision 1. **Lines.** An angler may not use more than one line except two lines may be used to take fish:

(1) ~~two lines may be used to take fish through the ice; and (1) through the ice; or~~

(2) ~~the commissioner may, by rule, authorize the use of two lines in areas designated by the commissioner in Lake Superior~~ (2) if the angler purchases a second line endorsement for \$5.

Sec. 52. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 2, is amended to read:

Subd. 2. **License required.** A person may not ~~take fish from~~ leave a dark house ~~or~~ fish house ~~that is left, or shelter~~ unattended on the ice ~~overnight~~ at any time between midnight and one hour before sunrise unless the house is licensed and has a license tag attached to the exterior in a readily visible location, except as provided in this subdivision. The commissioner must issue a tag with a dark house or fish house license, marked with a number to correspond with the license and the year of issue. A dark house or fish house license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

Sec. 53. Minnesota Statutes 2006, section 97C.355, subdivision 4, is amended to read:

Subd. 4. **Distance between houses.** A person may not erect a dark house ~~or~~ fish house, or shelter within ten feet of an existing dark house ~~or~~ fish house, or shelter.

Sec. 54. Minnesota Statutes 2006, section 97C.355, subdivision 7, is amended to read:

Subd. 7. **Dates and times houses may remain on ice.** (a) ~~Except as provided in paragraph (d),~~ A shelter, including a fish house or dark house, may not be on the ice unattended between ~~12:00 a.m. midnight~~ and one hour before sunrise after ~~the following dates:~~

(1) ~~the last day of February~~ first Monday in March, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and

(2) the third Monday in March ~~15~~, for other state waters.

A shelter, including a fish house or dark house, on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house, dark house, or shelter in violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter. The officer shall seize the contents of the house or shelter and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

(c) ~~When the last day of February, under paragraph (a), clause (1), or March 15, under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until 12:00 a.m. the following Monday.~~

~~(d) A person may have a shelter, including a fish house or dark house, on the ice between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in paragraph (a), clause (2), but the house or shelter may not be unattended during those hours.~~

Sec. 55. Minnesota Statutes 2006, section 97C.355, subdivision 7a, is amended to read:

Subd. 7a. **Houses left overnight.** A fish house ~~or~~ dark house, or shelter left on the ice overnight must be marked with reflective material on each side of the house structure. The reflective material must measure a total area of no less than two square inches on each side of the house structure. ~~Violation of this subdivision is not subject to subdivision 8 or section 97A.301.~~

Sec. 56. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 8, is amended to read:

Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner.

(b) In addition to other penalties provided by law, the owner of a structure left on the ice in violation of this section is subject to a civil penalty under section 115A.99.

(c) This subdivision also applies to structures left on state public access sites for more than 48 hours past the deadlines specified in subdivision 7.

Sec. 57. Minnesota Statutes 2006, section 97C.371, subdivision 4, is amended to read:

Subd. 4. **Open season.** The open season for spearing through the ice is ~~December 1~~ November 15 to the ~~last~~ second Sunday in ~~February~~ March.

Sec. 58. Minnesota Statutes 2006, section 97C.371, is amended by adding a subdivision to read:

Subd. 5. **Nonresidents.** Nonresidents may spear from a fish house or dark house.

Sec. 59. Minnesota Statutes 2006, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for the winter season for lake trout on all lakes and streams, from January 15 to March 31;

~~(4)~~ for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and

~~(4)~~ (5) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 60. Minnesota Statutes 2006, section 97C.865, subdivision 2, is amended to read:

Subd. 2. **Rules.** The commissioner may adopt rules establishing requirements for labeling and packing fish under a fish packer's license. The commissioner shall require only the license number of the fish packer, the name and license number of the angler or person who lawfully possesses the fish, the name of the lake the fish were caught on, the species of fish, and the number of fish to appear on a label. The commissioner must not allow sauger to be labeled as walleye.

Sec. 61. **UNCASED FIREARMS REPORT.**

(a) The commissioner of natural resources shall submit a report to the legislature by January 1, 2009, on uncased firearms that answers the questions listed below.

(1) How many other states have laws like Minnesota's governing uncased firearms?

(2) Are there any studies that prove that uncased firearms laws like Minnesota's reduce firearm-related accidents?

(3) Is there evidence that more accidents occur loading and unloading firearms and putting firearms in and out of cases than would occur if the firearms were not required to be cased?

(4) Are there any studies to prove that having a cased gun law reduces other criminal violations? For example, there are thousands of tickets written for uncased guns every year; is this the activity the state is trying to stop or is the state trying to reduce other crimes? Is there any proof that by issuing tickets Minnesota is stopping other crimes?

(5) If the state cannot verify that it is reducing accidents or reducing other criminal violations by writing uncased gun tickets, why is the state writing them?

(6) If the state is reducing other wildlife crimes such as shooting from the roadway, how is it doing this?

(b) The report must comply with Minnesota Statutes, sections 3.195 and 3.197, and be submitted to the chairs of the house and senate committees with jurisdiction over the environment and natural resources. The commissioner may include additional information that the commissioner feels is important to this issue.

Sec. 62. **COCK PHEASANT BAG LIMIT; RULEMAKING.**

The commissioner of natural resources shall amend Minnesota Rules, part 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day after the 16th day of the pheasant season. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rule and Minnesota Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

Sec. 63. **BEAR HUNTING PERMIT DRAWING; RULEMAKING.**

The commissioner of natural resources shall adopt rules to comply with the changes made to Minnesota Statutes, section 97B.405. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

Sec. 64. **NONRESIDENT SPEAR FISHING; RULEMAKING.**

The commissioner of natural resources shall adopt rules, including amending Minnesota Rules, part 6262.0600, to allow taking fish by spear by nonresidents. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

Sec. 65. **WILD TURKEY HUNTING MANAGEMENT RECOMMENDATIONS.**

The commissioner of natural resources, in consultation with the National Wild Turkey Federation, shall, by January 15, 2009, provide the legislature with recommendations for future management of hunting wild turkeys in Minnesota.

Sec. 66. **WALLEYE STOCKING ON LEECH LAKE.**

While continuing to study the effects of cormorant control on Leech Lake and the lack of natural reproduction of the walleye, the commissioner of natural resources shall stock Leech Lake with 25,000,000 walleye fry in calendar year 2009 and with 25,000,000 walleye fry in calendar year 2010 unless the commissioner can show evidence that the stocking is harmful to the lake's natural walleye population or that the fishery has fully recovered.

Sec. 67. **RULES.**

The commissioner of natural resources shall adopt rules in compliance with the changes to Minnesota Statutes, sections 97C.205 and 97C.865, subdivision 2. The rules required by this section are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14. The rules are subject to Minnesota Statutes, section 14.386, except that notwithstanding Minnesota Statutes, section 14.386, paragraph (b), the rules continue in effect until repealed or superseded by other law or rule. As part of this rulemaking, the commissioner shall:

(1) amend Minnesota Rules, part 6262.3250, by deleting item A and amending the part so that labels required under item D are consistent with the new requirements in Minnesota Statutes, section 97C.865, subdivision 2; and

(2) amend Minnesota Rules, part 6262.0100, to allow the possession of fish on special management or experimental waters for a meal, as provided in Minnesota Statutes, section 97C.205.

Sec. 68. **APPROPRIATION.**

\$102,000 in fiscal year 2009 is appropriated from the game and fish fund to the commissioner of natural resources for the development of aquaculture best management practices. The base in fiscal year 2010 is \$150,000. The base for fiscal year 2011 is \$0.

Sec. 69. **REPEALER.**

Minnesota Statutes 2006, section 97A.411, subdivision 2, and Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4; and 6234.0100, subpart 4, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying aquatic farm and invasive species provisions; authorizing certain fees; modifying horse pass requirements; modifying report requirements for game and fish fund; providing for wildlife disease management; modifying disposition of pheasant habitat improvement account;

modifying wild turkey management account; modifying hunting and fishing licensing and taking provisions; requiring reports; providing for rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 17.4981; 84.027, subdivision 15; 84D.10, subdivision 2; 84D.13, subdivision 4; 85.46, subdivision 1; 97A.015, by adding a subdivision; 97A.045, subdivision 11; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2; 97A.435, subdivision 4; 97A.451, subdivision 4, by adding a subdivision; 97A.475, subdivision 5; 97A.485, subdivision 6; 97A.535, subdivision 1; 97B.015, subdivision 5; 97B.041; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivision 6, by adding a subdivision; 97B.405; 97B.431; 97B.621, subdivision 3; 97B.711, subdivision 1; 97B.721; 97C.001, subdivision 3; 97C.005, subdivision 3; 97C.205; 97C.315, subdivision 1; 97C.355, subdivisions 4, 7, 7a; 97C.371, subdivision 4, by adding a subdivision; 97C.395, subdivision 1; 97C.865, subdivision 2; Minnesota Statutes 2007 Supplement, sections 17.4984, subdivision 1; 97A.055, subdivision 4; 97A.405, subdivision 2; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.475, subdivisions 2, 3, 7, 11, 12, 16; 97B.031, subdivision 1; 97B.035, subdivision 1a; 97B.036; 97B.328; 97C.355, subdivisions 2, 8; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 2006, section 97A.411, subdivision 2; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4; 6234.0100, subpart 4."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 2564, A bill for an act relating to human services; modifying TANF maintenance of effort programs; amending Laws 2007, chapter 147, article 19, section 3, subdivision 1.

Reported the same back with the following amendments:

Page 7, after line 16, insert:

"EFFECTIVE DATE. This section is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 2605, 2930, 3139, 3218, 3360, 3758, 3775 and 2564 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Davnie and Mahoney introduced:

H. F. No. 4189, A bill for an act relating to convention and events centers in the cities of the first class; requiring a study and report to the 2009 legislature.

The bill was read for the first time and referred to the Committee on Finance.

Kahn introduced:

H. F. No. 4190, A bill for an act relating to elections; city elections in cities of the first class; providing for the election of certain council members elected by ward after reapportionment; amending Minnesota Statutes 2006, section 205.84, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Eken introduced:

H. F. No. 4191, A bill for an act relating to natural resources; modifying the Heartland Trail; amending Minnesota Statutes 2006, section 85.015, subdivision 12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kahn introduced:

H. F. No. 4192, A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; prohibiting placement of a candidate on the ballot if residency requirements are not met; amending Minnesota Statutes 2006, section 204B.06, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Clark introduced:

H. F. No. 4193, A bill for an act relating to early childhood education; establishing an early childhood education for homeless children pilot project; appropriating money.

The bill was read for the first time and referred to the Committee on E-12 Education.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3138, A bill for an act relating to state government; ratifying state labor contracts; amending Minnesota Statutes 2006, section 85A.02, subdivision 5a.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Bigham moved that the House concur in the Senate amendments to H. F. No. 3138 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3138, A bill for an act relating to state government; requiring the legislative auditor to establish a compensation plan for employees of the auditor, subject to legislative review and approval; ratifying state labor contracts; amending Minnesota Statutes 2006, sections 3.855, subdivision 3; 3.971, subdivision 2; 85A.02, subdivision 5a.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hansen	Koenen	Moe	Peterson, S.
Anderson, S.	Dettmer	Hausman	Kohls	Morgan	Poppe
Anzelc	Dill	Haws	Laine	Morrow	Rukavina
Atkins	Dittrich	Heidgerken	Lanning	Mullery	Ruth
Beard	Dominguez	Hilstrom	Lenczewski	Murphy, E.	Ruud
Benson	Doty	Hilty	Lesch	Murphy, M.	Sailer
Berns	Eastlund	Holberg	Liebling	Nelson	Scalze
Bigham	Eken	Hornstein	Lieder	Nornes	Seifert
Bly	Erhardt	Hortman	Lillie	Norton	Sertich
Brown	Erickson	Hosch	Loeffler	Olin	Severson
Brynaert	Faust	Howes	Madore	Otremba	Shimanski
Bunn	Fritz	Huntley	Magnus	Ozment	Simon
Carlson	Gardner	Jaros	Mahoney	Paulsen	Simpson
Clark	Garofalo	Johnson	Mariani	Paymar	Slawik
Cornish	Gottwalt	Juhnke	Marquart	Pelowski	Slocum
Davnie	Greiling	Kahn	Masin	Peppin	Smith
Dean	Gunther	Kalin	McFarlane	Peterson, A.	Solberg
DeLaForest	Hackbarth	Knuth	McNamara	Peterson, N.	Swails

Thao	Tingelstad	Walker	Welti	Wollschlager
Thissen	Urdahl	Ward	Westrom	Zellers
Tillberry	Wagenius	Wardlow	Winkler	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	Buesgens	Emmer	Hamilton
Brod	Drazkowski	Finstad	Olson

The bill was repassed, as amended by the Senate, and its title agreed to.

CONSENT CALENDAR

S. F. No. 2806, A bill for an act relating to economic development; clarifying conflict of interest rules for local economic development authorities; providing criminal penalties; amending Minnesota Statutes 2006, section 469.098.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hausman	Lesch	Olin	Simpson
Anderson, B.	Dill	Haws	Liebling	Olson	Slawik
Anderson, S.	Dittrich	Heidgerken	Lieder	Otremba	Slocum
Anzelc	Dominguez	Hilstrom	Lillie	Ozment	Smith
Atkins	Doty	Hilty	Loeffler	Paulsen	Solberg
Beard	Drazkowski	Holberg	Madore	Paymar	Swails
Benson	Eastlund	Hornstein	Magnus	Pelowski	Thao
Berns	Eken	Hortman	Mahoney	Peppin	Thissen
Bigham	Emmer	Hosch	Mariani	Peterson, A.	Tillberry
Bly	Erhardt	Howes	Marquart	Peterson, N.	Tingelstad
Brod	Erickson	Huntley	Masin	Peterson, S.	Urdahl
Brown	Faust	Jaros	McFarlane	Poppe	Wagenius
Brynaert	Finstad	Johnson	McNamara	Rukavina	Walker
Buesgens	Fritz	Juhnke	Moe	Ruth	Ward
Bunn	Gardner	Kahn	Morgan	Ruud	Wardlow
Carlson	Garofalo	Kalin	Morrow	Sailer	Welti
Clark	Gottwalt	Knuth	Mullery	Scalze	Westrom
Cornish	Greiling	Koenen	Murphy, E.	Seifert	Winkler
Davnie	Gunther	Kohls	Murphy, M.	Sertich	Wollschlager
Dean	Hackbarth	Laine	Nelson	Severson	Zellers
DeLaForest	Hamilton	Lanning	Nornes	Shimanski	Spk. Kelliher
Demmer	Hansen	Lenczewski	Norton	Simon	

The bill was passed and its title agreed to.

CALENDAR FOR THE DAY

H. F. No. 2837 was reported to the House.

Thao moved to amend H. F. No. 2837 as follows:

Page 6, after line 36, insert:

"Sec. 6. Minnesota Statutes 2006, section 148.574, is amended to read:

148.574 PROHIBITIONS RELATING TO LEGEND DRUGS; AUTHORIZING SALES BY PHARMACISTS UNDER CERTAIN CONDITIONS.

An optometrist shall not purchase, possess, administer, prescribe or give any legend drug as defined in section 151.01 or 152.02 to any person except as is expressly authorized by sections 148.571 to 148.577. Nothing in chapter 151 shall prevent a pharmacist from selling topical ocular drugs to an optometrist authorized to use such drugs according to sections 148.571 to 148.577. Notwithstanding sections 151.37 and 152.12, an optometrist is prohibited from dispensing legend drugs at retail, unless the legend drug is within the scope designated in section 148.56, subdivision 1, and is administered to the eye through an ophthalmic good as defined in section 145.711, subdivision 4."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2837, A bill for an act relating to optometrist; changing practice and licensing provisions; amending Minnesota Statutes 2006, sections 148.56; 148.57; 148.571; 148.573, subdivision 1; 148.574; 148.575; repealing Minnesota Statutes 2006, section 148.573, subdivisions 2, 3; Minnesota Rules, part 6500.2100.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Brod	DeLaForest	Emmer	Gunther	Hoppe
Anderson, B.	Brown	Demmer	Erhardt	Hackbarth	Hornstein
Anderson, S.	Brynaert	Dettmer	Erickson	Hamilton	Hortman
Anzelc	Buesgens	Dill	Faust	Hansen	Hosch
Atkins	Bunn	Dittrich	Finstad	Hausman	Howes
Beard	Carlson	Dominguez	Fritz	Haws	Huntley
Benson	Clark	Doty	Gardner	Heidgerken	Jaros
Berns	Cornish	Drazkowski	Garofalo	Hilstrom	Johnson
Bigham	Davnie	Eastlund	Gottwalt	Hilty	Juhnke
Bly	Dean	Eken	Greiling	Holberg	Kahn

Kalin	Magnus	Nelson	Peterson, S.	Simpson	Walker
Knuth	Mahoney	Nornes	Poppe	Slawik	Ward
Koenen	Mariani	Norton	Rukavina	Slocum	Wardlow
Kohls	Marquart	Olin	Ruth	Smith	Welti
Laine	Masin	Otremba	Ruud	Solberg	Westrom
Lanning	McFarlane	Ozment	Sailer	Swails	Winkler
Lesch	McNamara	Paulsen	Scalze	Thao	Wollschlager
Liebling	Moe	Paymar	Seifert	Thissen	Zellers
Lieder	Morrow	Pelowski	Sertich	Tillberry	Spk. Kelliher
Lillie	Mullery	Peppin	Severson	Tingelstad	
Loeffler	Murphy, E.	Peterson, A.	Shimanski	Urdahl	
Madore	Murphy, M.	Peterson, N.	Simon	Wagenius	

Those who voted in the negative were:

Lenczewski	Morgan	Olson
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The bill was passed, as amended, and its title agreed to.

S. F. No. 3084, A bill for an act relating to the city of Duluth; correcting the legal description of the boundaries of the tracts of land administered by the Spirit Mountain Recreation Area Authority; amending Laws 1973, chapter 327, section 2, subdivision 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hausman	Lenczewski	Norton	Simon
Anderson, B.	Dill	Haws	Lesch	Olin	Simpson
Anderson, S.	Dirtrich	Heidgerken	Liebling	Olson	Slawik
Anzalc	Dominguez	Hilstrom	Lieder	Otremba	Slocum
Atkins	Doty	Hilty	Lillie	Ozment	Smith
Beard	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Benson	Eastlund	Hoppe	Madore	Paymar	Swails
Berns	Eken	Hornstein	Magnus	Pelowski	Thao
Bigham	Emmer	Hortman	Mahoney	Peppin	Thissen
Bly	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Brod	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Brown	Faust	Huntley	Masin	Peterson, S.	Urdahl
Brynaert	Finstad	Jaros	McFarlane	Poppe	Wagenius
Buesgens	Fritz	Johnson	McNamara	Rukavina	Walker
Bunn	Gardner	Juhnke	Moe	Ruth	Ward
Carlson	Garofalo	Kahn	Morgan	Ruud	Wardlow
Clark	Gottwalt	Kalin	Morrow	Sailer	Welti
Cornish	Greiling	Knuth	Mullery	Scalze	Westrom
Davnie	Gunther	Koenen	Murphy, E.	Seifert	Winkler
Dean	Hackbarth	Kohls	Murphy, M.	Sertich	Wollschlager
DeLaForest	Hamilton	Laine	Nelson	Severson	Zellers
Demmer	Hansen	Lanning	Nornes	Shimanski	Spk. Kelliher

The bill was passed and its title agreed to.

S. F. No. 1018, A bill for an act relating to health occupations; changing provisions for physical therapy licensure; amending Minnesota Statutes 2006, sections 148.65, by adding a subdivision; 148.76, subdivision 2; Minnesota Statutes 2007 Supplement, section 148.75; repealing Minnesota Rules, parts 5601.0100, subparts 5, 6, 7, 8; 5601.1200; 5601.1800; 5601.1900.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hausman	Lenczewski	Norton	Simon
Anderson, B.	Dill	Haws	Lesch	Olin	Simpson
Anderson, S.	Dittrich	Heidgerken	Liebling	Olson	Slawik
Anzelc	Dominguez	Hilstrom	Lieder	Otremba	Slocum
Atkins	Doty	Hilty	Lillie	Ozment	Smith
Beard	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Benson	Eastlund	Hoppe	Madore	Paymar	Swails
Berns	Eken	Hornstein	Magnus	Pelowski	Thao
Bigham	Emmer	Hortman	Mahoney	Peppin	Thissen
Bly	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Brod	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Brown	Faust	Huntley	Masin	Peterson, S.	Urdahl
Brynaert	Finstad	Jaros	McFarlane	Poppe	Wagenius
Buesgens	Fritz	Johnson	McNamara	Rukavina	Walker
Bunn	Gardner	Juhnke	Moe	Ruth	Ward
Carlson	Garofalo	Kahn	Morgan	Ruud	Wardlow
Clark	Gottwalt	Kalin	Morrow	Sailer	Welti
Cornish	Greiling	Knuth	Mullery	Scalze	Westrom
Davnie	Gunther	Koenen	Murphy, E.	Seifert	Winkler
Dean	Hackbarth	Kohls	Murphy, M.	Sertich	Wollschlager
DeLaForest	Hamilton	Laine	Nelson	Severson	Zellers
Demmer	Hansen	Lanning	Nornes	Shimanski	Spk. Kelliher

The bill was passed and its title agreed to.

S. F. No. 1436, A bill for an act relating to state government; defining political subdivision for the purposes of the chapter governing the state auditor; applying provisions for the state auditor to all political subdivisions; amending Minnesota Statutes 2006, sections 6.47; 6.51; 6.54; 6.55; 6.551; 6.57; 6.59; 6.60; 6.62, subdivision 2; 6.63; 6.64; 6.65; 6.66; 6.67; 6.68; 6.70; 6.71; 6.76; 103D.355; proposing coding for new law in Minnesota Statutes, chapter 6; repealing Minnesota Statutes 2006, section 6.56, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Benson	Bly	Brynaert	Carlson
Anderson, B.	Atkins	Berns	Brod	Buesgens	Clark
Anderson, S.	Beard	Bigham	Brown	Bunn	Cornish

Davnie	Garofalo	Jaros	Mariani	Paymar	Slocum
Dean	Gottwalt	Johnson	Marquart	Pelowski	Smith
DeLaForest	Greiling	Juhnke	Masin	Peppin	Solberg
Demmer	Gunther	Kahn	McFarlane	Peterson, A.	Swails
Dettmer	Hackbarth	Kalin	McNamara	Peterson, N.	Thao
Dill	Hamilton	Knuth	Moe	Peterson, S.	Thissen
Dittrich	Hansen	Koenen	Morgan	Poppe	Tillberry
Dominguez	Hausman	Kohls	Morrow	Rukavina	Tingelstad
Doty	Haws	Laine	Mullery	Ruth	Urdahl
Drazkowski	Heidgerken	Lanning	Murphy, E.	Ruud	Wagenius
Eastlund	Hilstrom	Lenczewski	Murphy, M.	Sailer	Walker
Eken	Hilty	Lesch	Nelson	Scalze	Ward
Emmer	Holberg	Liebling	Nornes	Seifert	Wardlow
Erhardt	Hoppe	Lieder	Norton	Sertich	Welti
Erickson	Hornstein	Lillie	Olin	Severson	Westrom
Faust	Hortman	Loeffler	Olson	Shimanski	Winkler
Finstad	Hosch	Madore	Otremba	Simon	Wollschlager
Fritz	Howes	Magnus	Ozment	Simpson	Zellers
Gardner	Huntley	Mahoney	Paulsen	Slawik	Spk. Kelliher

The bill was passed and its title agreed to.

The Speaker called Hausman to the Chair.

S. F. No. 3082 was reported to the House.

Hortman moved to amend S. F. No. 3082, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2940, the first engrossment:

"Section 1. Minnesota Statutes 2006, section 325F.6644, is amended to read:

325F.6644 APPLICATION.

Subdivision 1. **Damage disclosure.** Sections Section 325F.6641 and 325F.6642 do does not apply to vehicles that are six years old or older as calculated from the first day of January of the designated model year or to commercial motor vehicles with a gross vehicle weight rating of 16,000 pounds or more or to motorcycles.

Subd. 2. **Title branding.** Section 325F.6642 does not apply to commercial motor vehicles with a gross vehicle weight rating of 16,000 pounds or more or to motorcycles, other than reconstructed vehicles, as defined in section 168A.01, subdivision 16."

Delete the title and insert:

"A bill for an act relating to consumer protection; modifying provisions relating to older motor vehicle title branding; amending Minnesota Statutes 2006, section 325F.6644."

The motion prevailed and the amendment was adopted.

S. F. No. 3082, A bill for an act relating to motor vehicles; permitting sale of impounded vehicles and contents after voluntary title transfer; providing for notice of impound, right to reclaim contents, and waiver of right; establishing right to retrieve contents without charge in certain cases; limiting deficiency claim; providing for permit for oversize and overweight tow trucks in certain cases; providing for disclosure of damage to older vehicles; amending Minnesota Statutes 2006, sections 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding a subdivision; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.86, by adding a subdivision; 325F.6644.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hausman	Lenczewski	Norton	Simon
Anderson, B.	Dill	Haws	Lesch	Olin	Simpson
Anderson, S.	Dittrich	Heidgerken	Liebling	Olson	Slawik
Anzelc	Dominguez	Hilstrom	Lieder	Otremba	Slocum
Atkins	Doty	Hilty	Lillie	Ozment	Smith
Beard	Drazkowski	Holberg	Loeffler	Paulsen	Solberg
Benson	Eastlund	Hoppe	Madore	Paymar	Swails
Berns	Eken	Hornstein	Magnus	Pelowski	Thao
Bigham	Emmer	Hortman	Mahoney	Peppin	Thissen
Bly	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Brod	Erickson	Howes	Marquart	Peterson, N.	Tingelstad
Brown	Faust	Huntley	Masin	Peterson, S.	Urdahl
Brynaert	Finstad	Jaros	McFarlane	Poppe	Wagenius
Buesgens	Fritz	Johnson	McNamara	Rukavina	Walker
Bunn	Gardner	Juhnke	Moe	Ruth	Ward
Carlson	Garofalo	Kahn	Morgan	Ruud	Wardlow
Clark	Gottwalt	Kalin	Morrow	Sailer	Welti
Cornish	Greiling	Knuth	Mullery	Scalze	Westrom
Davnie	Gunther	Koenen	Murphy, E.	Seifert	Winkler
Dean	Hackbarth	Kohls	Murphy, M.	Sertich	Wollschlager
DeLaForest	Hamilton	Laine	Nelson	Severson	Zellers
Demmer	Hansen	Lanning	Nornes	Shimanski	Spk. Kelliher

The bill was passed, as amended, and its title agreed to.

S. F. No. 3070, A bill for an act relating to trust property; authorizing the use of debit or credit cards to draw funds from custodial trust accounts; amending Minnesota Statutes 2006, section 529.08.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Benson	Bly	Brynaert	Carlson
Anderson, B.	Atkins	Berns	Brod	Buesgens	Clark
Anderson, S.	Beard	Bigham	Brown	Bunn	Cornish

Davnie	Garofalo	Jaros	Mariani	Paymar	Slocum
Dean	Gottwalt	Johnson	Marquart	Pelowski	Smith
DeLaForest	Greiling	Juhnke	Masin	Peppin	Solberg
Demmer	Gunther	Kahn	McFarlane	Peterson, A.	Swails
Dettmer	Hackbarth	Kalin	McNamara	Peterson, N.	Thao
Dill	Hamilton	Knuth	Moe	Peterson, S.	Thissen
Dittrich	Hansen	Koenen	Morgan	Poppe	Tillberry
Dominguez	Hausman	Kohls	Morrow	Rukavina	Tingelstad
Doty	Haws	Laine	Mullery	Ruth	Urdahl
Drazkowski	Heidgerken	Lanning	Murphy, E.	Ruud	Wagenius
Eastlund	Hilstrom	Lenczewski	Murphy, M.	Sailer	Walker
Eken	Hilty	Lesch	Nelson	Scalze	Ward
Emmer	Holberg	Liebling	Nornes	Seifert	Wardlow
Erhardt	Hoppe	Lieder	Norton	Sertich	Welti
Erickson	Hornstein	Lillie	Olin	Severson	Westrom
Faust	Hortman	Loeffler	Olson	Shimanski	Winkler
Finstad	Hosch	Madore	Otremba	Simon	Wollschlager
Fritz	Howes	Magnus	Ozment	Simpson	Zellers
Gardner	Huntley	Mahoney	Paulsen	Slawik	Spk. Kelliher

The bill was passed and its title agreed to.

Peterson, N., and Ruud were excused between the hours of 1:50 p.m. and 3:40 p.m.

Erhardt was excused between the hours of 1:50 p.m. and 4:00 p.m.

H. F. No. 3372 was reported to the House.

Thissen moved to amend H. F. No. 3372, the second engrossment, as follows:

Page 5, lines 22 and 29, delete "promulgate" and insert "adopt"

Page 5, lines 25 and 31, delete "promulgated" and insert "adopted"

The motion prevailed and the amendment was adopted.

H. F. No. 3372, A bill for an act relating to health; changing provisions for uniform billing forms and electronic claim filing; establishing compliance procedures for electronic transactions; amending Minnesota Statutes 2006, sections 62J.51, subdivisions 17, 18; 62J.52, subdivision 4; 62J.59; 72A.201, subdivision 4; Minnesota Statutes 2007 Supplement, sections 62J.52, subdivisions 1, 2; 62J.536, subdivision 1, by adding subdivisions; repealing Minnesota Statutes 2006, sections 62J.52, subdivision 5; 62J.58.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Atkins	Berns	Brod	Bunn	Cornish
Anderson, S.	Beard	Bigham	Brown	Carlson	Davnie
Anzelc	Benson	Bly	Brynaert	Clark	DeLaForest

Demmer	Hansen	Koenen	Moe	Poppe	Tillberry
Dettmer	Hausman	Kohls	Morgan	Rukavina	Tingelstad
Dill	Haws	Laine	Morrow	Ruth	Urdahl
Dittrich	Hilstrom	Lanning	Mullery	Sailer	Wagenius
Dominguez	Hilty	Lenczewski	Murphy, E.	Scalze	Walker
Doty	Holberg	Lesch	Murphy, M.	Seifert	Ward
Eastlund	Hoppe	Liebling	Nelson	Sertich	Wardlow
Eken	Hornstein	Lieder	Nornes	Severson	Welti
Erickson	Hortman	Lillie	Norton	Shimanski	Westrom
Faust	Hosch	Loeffler	Olin	Simon	Winkler
Fritz	Howes	Madore	Otremba	Simpson	Wollschlager
Gardner	Huntley	Magnus	Ozment	Slawik	Zellers
Garofalo	Jaros	Mahoney	Paulsen	Slocum	Spk. Kelliher
Gottwalt	Johnson	Mariani	Paymar	Smith	
Greiling	Juhnke	Marquart	Pelowski	Solberg	
Gunther	Kahn	Masin	Peppin	Swails	
Hackbarth	Kalin	McFarlane	Peterson, A.	Thao	
Hamilton	Knuth	McNamara	Peterson, S.	Thissen	

Those who voted in the negative were:

Anderson, B.	Dean	Emmer	Heidgerken
Buesgens	Drazkowski	Finstad	Olson

The bill was passed, as amended, and its title agreed to.

S. F. No. 3135, A bill for an act relating to health; adding volunteer protections for the Minnesota Responds Medical Reserve Corps volunteers; creating the Minnesota Responds Medical Reserve Corps; establishing volunteer health practitioner status during an emergency declaration; authorizing interstate assistance by local governments; amending Minnesota Statutes 2006, sections 12.22, subdivision 2a; 145A.04, by adding subdivisions; 145A.06, by adding subdivisions; 176.011, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 192.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Doty	Gunther	Hosch	Lenczewski
Anderson, B.	Bunn	Drazkowski	Hackbarth	Howes	Lesch
Anderson, S.	Carlson	Eastlund	Hamilton	Huntley	Liebling
Anzelc	Clark	Eken	Hansen	Jaros	Lieder
Atkins	Cornish	Emmer	Hausman	Johnson	Lillie
Beard	Davnie	Erickson	Haws	Juhnke	Loeffler
Benson	Dean	Faust	Heidgerken	Kahn	Madore
Berns	DeLaForest	Finstad	Hilstrom	Kalin	Magnus
Bigham	Demmer	Fritz	Hilty	Knuth	Mahoney
Bly	Dettmer	Gardner	Holberg	Koenen	Mariani
Brod	Dill	Garofalo	Hoppe	Kohls	Marquart
Brown	Dittrich	Gottwalt	Hornstein	Laine	Masin
Brynaert	Dominguez	Greiling	Hortman	Lanning	McFarlane

McNamara	Norton	Peterson, A.	Severson	Thao	Welti
Moe	Olin	Peterson, S.	Shimanski	Thissen	Westrom
Morgan	Olson	Poppe	Simon	Tillberry	Winkler
Morrow	Otremba	Rukavina	Simpson	Tingelstad	Wollschlager
Mullery	Ozment	Ruth	Slawik	Urdahl	Zellers
Murphy, E.	Paulsen	Sailer	Slocum	Wagenius	Spk. Kelliher
Murphy, M.	Paymar	Scalze	Smith	Walker	
Nelson	Pelowski	Seifert	Solberg	Ward	
Nornes	Peppin	Sertich	Swails	Wardlow	

The bill was passed and its title agreed to.

S. F. No. 3397, A bill for an act relating to business organizations; providing for the return of documents submitted to the secretary of state; regulating foreign cooperatives; removing the request that the attorney general and the Department of Revenue be notified of the dissolution of foreign cooperatives and nonprofit corporations; allowing foreign limited liability partnerships to use alternative names under certain circumstances; eliminating contest of name filings; amending Minnesota Statutes 2006, sections 47.12, subdivision 2; 60A.07, subdivision 1; 303.11; 303.17, subdivision 4; 308A.005, by adding a subdivision; 308B.211, subdivision 2; 308B.221, subdivision 4; 317A.823, subdivision 2; 321.0108; 323A.1102; proposing coding for new law in Minnesota Statutes, chapters 5; 308A; 308B; repealing Minnesota Statutes 2006, sections 5.22; 302A.115, subdivision 8; 303.05, subdivision 4; 308A.121, subdivision 3; 308B.151; 317A.115, subdivision 6; 322B.12, subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Lesch	Olin	Slocum
Anderson, B.	Dill	Heidgerken	Liebling	Olson	Smith
Anderson, S.	Dittrich	Hilstrom	Lieder	Otremba	Solberg
Anzalc	Dominguez	Hilty	Lillie	Ozment	Swails
Atkins	Doty	Holberg	Loeffler	Paulsen	Thao
Beard	Drazkowski	Hoppe	Madore	Paymar	Thissen
Benson	Eastlund	Hornstein	Magnus	Pelowski	Tillberry
Berns	Eken	Hortman	Mahoney	Peppin	Tingelstad
Bigham	Emmer	Hosch	Mariani	Peterson, A.	Urdahl
Bly	Erickson	Howes	Marquart	Peterson, S.	Wagenius
Brod	Faust	Huntley	Masin	Poppe	Walker
Brown	Finstad	Jaros	McFarlane	Rukavina	Ward
Brynaert	Fritz	Johnson	McNamara	Ruth	Wardlow
Buesgens	Gardner	Juhnke	Moe	Sailer	Welti
Bunn	Garofalo	Kahn	Morgan	Scalze	Westrom
Carlson	Gottwalt	Kalin	Morrow	Seifert	Winkler
Clark	Greiling	Knuth	Mullery	Sertich	Wollschlager
Cornish	Gunther	Koenen	Murphy, E.	Severson	Zellers
Davnie	Hackbarth	Kohls	Murphy, M.	Shimanski	Spk. Kelliher
Dean	Hamilton	Laine	Nelson	Simon	
DeLaForest	Hansen	Lanning	Nornes	Simpson	
Demmer	Hausman	Lenczewski	Norton	Slawik	

The bill was passed and its title agreed to.

S. F. No. 3202, A bill for an act relating to state government; codifying the transfer of employee relations duties to the Department of Finance and other agencies; amending Minnesota Statutes 2006, sections 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16A.055, subdivision 1; 16B.87, subdivision 1; 43A.04, subdivisions 1, 2, 9; 43A.044; 43A.05, subdivisions 1, 6; 43A.06, subdivisions 1, 3; 43A.08, subdivision 1a; 43A.17, subdivision 8; 43A.183, subdivisions 3, 4, 5; 43A.23, subdivision 2; 43A.30, subdivisions 4, 5; 43A.311; 43A.48; 176.541, subdivisions 2, 3, 4, 6; 176.571; 176.572; 176.581; 176.591, subdivision 3; 176.603; 176.611, subdivisions 2, 2a, 3a; 356.215, subdivision 2a; Minnesota Statutes 2007 Supplement, sections 16B.04, subdivision 2; 43A.50, subdivisions 1, 2; 136F.42, subdivision 1; 353.03, subdivision 3; repealing Minnesota Statutes 2006, sections 43A.03; 176.5401.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Liebling	Olson	Solberg
Anderson, B.	Dill	Heidgerken	Lieder	Otremba	Swails
Anderson, S.	Dittrich	Hilstrom	Lillie	Ozment	Thao
Anzelc	Dominguez	Hilty	Loeffler	Paulsen	Thissen
Atkins	Doty	Holberg	Madore	Paymar	Tillberry
Beard	Drazkowski	Hoppe	Magnus	Pelowski	Tingelstad
Benson	Eastlund	Hornstein	Mahoney	Peppin	Urdahl
Berns	Eken	Hortman	Mariani	Peterson, A.	Wagenius
Bigham	Emmer	Hosch	Marquart	Peterson, S.	Walker
Bly	Erickson	Howes	Masin	Poppe	Ward
Brod	Faust	Huntley	McFarlane	Ruth	Wardlow
Brown	Finstad	Johnson	McNamara	Sailer	Welti
Brynaert	Fritz	Juhnke	Moe	Scalze	Westrom
Buesgens	Gardner	Kahn	Morgan	Seifert	Winkler
Bunn	Garofalo	Kalin	Morrow	Sertich	Wollschlager
Carlson	Gottwalt	Knuth	Mullery	Severson	Zellers
Clark	Greiling	Koenen	Murphy, E.	Shimanski	Spk. Kelliher
Cornish	Gunther	Kohls	Murphy, M.	Simon	
Davnie	Hackbarth	Laine	Nelson	Simpson	
Dean	Hamilton	Lanning	Nornes	Slawik	
DeLaForest	Hansen	Lenczewski	Norton	Slocum	
Demmer	Hausman	Lesch	Olin	Smith	

Those who voted in the negative were:

Jaros Rukavina

The bill was passed and its title agreed to.

S. F. No. 3362, A bill for an act relating to police officers; permitting police officers to be represented by an attorney and a union representative at disciplinary hearing; amending Minnesota Statutes 2006, section 626.89, subdivision 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Lesch	Olin	Slocum
Anderson, B.	Dill	Heidgerken	Liebling	Olson	Smith
Anderson, S.	Dittrich	Hilstrom	Lieder	Otremba	Solberg
Anzelc	Dominguez	Hilty	Lillie	Ozment	Swails
Atkins	Doty	Holberg	Loeffler	Paulsen	Thao
Beard	Drazkowski	Hoppe	Madore	Paymar	Thissen
Benson	Eastlund	Hornstein	Magnus	Pelowski	Tillberry
Berns	Eken	Hortman	Mahoney	Peppin	Tingelstad
Bigham	Emmer	Hosch	Mariani	Peterson, A.	Urdahl
Bly	Erickson	Howes	Marquart	Peterson, S.	Wagenius
Brod	Faust	Huntley	Masin	Poppe	Walker
Brown	Finstad	Jaros	McFarlane	Rukavina	Ward
Brynaert	Fritz	Johnson	McNamara	Ruth	Wardlow
Buesgens	Gardner	Juhnke	Moe	Sailer	Welti
Bunn	Garofalo	Kahn	Morgan	Scalze	Westrom
Carlson	Gottwalt	Kalin	Morrow	Seifert	Winkler
Clark	Greiling	Knuth	Mullery	Sertich	Wollschlager
Cornish	Gunther	Koenen	Murphy, E.	Severson	Zellers
Davnie	Hackbarth	Kohls	Murphy, M.	Shimanski	Spk. Kelliher
Dean	Hamilton	Laine	Nelson	Simon	
DeLaForest	Hansen	Lanning	Nornes	Simpson	
Demmer	Hausman	Lenczewski	Norton	Slawik	

The bill was passed and its title agreed to.

S. F. No. 2667 was reported to the House.

Thissen moved to amend S. F. No. 2667 as follows:

Page 1, line 22, reinstate "This paragraph expires August 1," and after the stricken "2009" insert "2011" and reinstate the period

The motion prevailed and the amendment was adopted.

S. F. No. 2667, A bill for an act relating to health; extending two-year moratorium on radiation therapy facility construction in certain counties; amending Minnesota Statutes 2007 Supplement, section 144.5509.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Bly	Bunn	Davnie	Dittrich
Anzelc	Berns	Brown	Carlson	Demmer	Dominguez
Atkins	Bigham	Brynaert	Clark	Dill	Doty

Eastlund	Hortman	Liebling	Mullery	Rukavina	Tingelstad
Eken	Hosch	Lieder	Murphy, E.	Ruth	Urdahl
Faust	Howes	Lillie	Murphy, M.	Sailer	Wagenius
Fritz	Jaros	Loeffler	Nelson	Scalze	Walker
Gardner	Johnson	Madore	Norton	Sertich	Ward
Garofalo	Juhnke	Magnus	Olin	Severson	Wardlow
Gottwalt	Kahn	Mahoney	Otremba	Shimanski	Welti
Gunther	Kalin	Mariani	Ozment	Simon	Winkler
Hamilton	Knuth	Marquart	Paulsen	Simpson	Wollschlager
Hansen	Koenen	Masin	Paymar	Slocum	Spk. Kelliher
Hausman	Kohls	McFarlane	Pelowski	Solberg	
Haws	Laine	McNamara	Peppin	Swails	
Heidgerken	Lanning	Moe	Peterson, A.	Thao	
Hilty	Lenczewski	Morgan	Peterson, S.	Thissen	
Hornstein	Lesch	Morrow	Poppe	Tillberry	

Those who voted in the negative were:

Anderson, B.	Cornish	Emmer	Hilstrom	Olson	Zellers
Anderson, S.	Dean	Erickson	Holberg	Seifert	
Beard	DeLaForest	Finstad	Hoppe	Slawik	
Brod	Dettmer	Greiling	Huntley	Smith	
Buesgens	Drazkowski	Hackbarth	Nornes	Westrom	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1918 was reported to the House.

Masin moved to amend S. F. No. 1918, the second engrossment, as follows:

Page 2, line 10, delete everything after "(12)" and insert "one representative from the Office of Enterprise Technology."

Page 2, delete lines 25 to 34 and insert:

"(1) identification of the level of broadband service, including connection speeds for sending and receiving data, that is reasonably needed by all citizens by 2015;

(2) a description of the policies and actions necessary to achieve the goal established in clause (1), including the elimination of obstacles to investment and the identification of areas in the state that currently lack infrastructure necessary to support broadband service;

(3) a description of the opportunities for the public and private sectors to cooperate to achieve the goal;

(4) an evaluation of strategies, financing methods, and financial incentives used in other states and countries to support the deployment of high-speed broadband;

(5) an evaluation and recommendation of the security, vulnerability, and redundancy actions necessary to ensure the reliability of high-speed broadband;

(6) an estimate of the costs of reaching the broadband goal, including capital costs, and identification of who will bear those costs;

(7) a description of economic development opportunities made possible by the wide dissemination of high-speed broadband; and

(8) an evaluation of how access to high-speed broadband can benefit educational institutions, healthcare institutions, community-based organizations, and government institutions."

Page 3, delete lines 1 to 3

The motion prevailed and the amendment was adopted.

Howes and Simpson moved to amend S. F. No. 1918, the second engrossment, as amended, as follows:

Page 1, line 8, after "goal" insert "in the seven-county metropolitan area"

Page 1, line 22, delete everything after "counties"

Page 1, line 23, delete everything before the semicolon

Page 2, line 2, delete everything after "metropolitan area cities" and insert a semicolon

Page 2, line 12, delete everything after "Washington"

Page 2, line 13, delete everything before the period

Page 2, line 23, after "goal" insert "in the seven-county metropolitan area"

The motion did not prevail and the amendment was not adopted.

S. F. No. 1918, A bill for an act relating to telecommunications; creating the Ultra High-Speed Broadband Task Force.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 98 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abeler	Bigham	Carlson	Eken	Gunther	Hilty
Anzelc	Bly	Clark	Faust	Hansen	Hornstein
Atkins	Brod	Dill	Fritz	Hausman	Hortman
Beard	Brown	Dittrich	Gardner	Haws	Hosch
Benson	Brynaert	Dominguez	Garofalo	Heidgerken	Huntley
Berns	Bunn	Doty	Greiling	Hilstrom	Jaros

Johnson	Lillie	Mullery	Peterson, A.	Slocum	Ward
Juhnke	Loeffler	Murphy, E.	Peterson, N.	Smith	Wardlow
Kahn	Madore	Murphy, M.	Peterson, S.	Solberg	Welti
Kalin	Mahoney	Nelson	Poppe	Swails	Westrom
Knuth	Mariani	Norton	Rukavina	Thao	Winkler
Koenen	Marquart	Olin	Ruud	Thissen	Wollschlager
Laine	Masin	Otremba	Sailer	Tillberry	Spk. Kelliher
Lenczewski	McNamara	Ozment	Scalze	Tingelstad	
Lesch	Moe	Paulsen	Sertich	Urdahl	
Liebling	Morgan	Paymar	Simon	Wagenius	
Lieder	Morrow	Pelowski	Slawik	Walker	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Erickson	Hoppe	Nornes	Shimanski
Anderson, S.	Demmer	Finstad	Howes	Olson	Simpson
Buesgens	Dettmer	Gottwalt	Kohls	Peppin	Zellers
Cornish	Drazkowski	Hackbarth	Lanning	Ruth	
Davnie	Eastlund	Hamilton	Magnus	Seifert	
Dean	Emmer	Holberg	McFarlane	Severson	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2755, A bill for an act relating to transportation; permitting deputy registrar office to be moved in city of New Prague.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Greiling	Juhnke	Masin	Peppin
Anderson, B.	DeLaForest	Gunther	Kahn	McFarlane	Peterson, A.
Anderson, S.	Demmer	Hackbarth	Kalin	McNamara	Peterson, N.
Anzelc	Dettmer	Hamilton	Knuth	Moe	Peterson, S.
Atkins	Dill	Hansen	Koenen	Morgan	Poppe
Beard	Dittrich	Hausman	Kohls	Morrow	Rukavina
Benson	Dominguez	Haws	Laine	Mullery	Ruth
Berns	Doty	Heidgerken	Lanning	Murphy, E.	Ruud
Bigham	Drazkowski	Hilstrom	Lenczewski	Murphy, M.	Sailer
Bly	Eastlund	Hilty	Lesch	Nelson	Scalze
Brod	Eken	Holberg	Liebling	Nornes	Seifert
Brown	Emmer	Hoppe	Lieder	Norton	Sertich
Brynaert	Erickson	Hornstein	Lillie	Olin	Severson
Buesgens	Faust	Hortman	Loeffler	Olson	Shimanski
Bunn	Finstad	Hosch	Madore	Otremba	Simon
Carlson	Fritz	Howes	Magnus	Ozment	Simpson
Clark	Gardner	Huntley	Mahoney	Paulsen	Slawik
Cornish	Garofalo	Jaros	Mariani	Paymar	Slocum
Davnie	Gottwalt	Johnson	Marquart	Pelowski	Smith

Solberg	Thissen	Urdahl	Ward	Westrom	Zellers
Swails	Tillberry	Wagenius	Wardlow	Winkler	Spk. Kelliher
Thao	Tingelstad	Walker	Welti	Wollschlager	

The bill was passed and its title agreed to.

S. F. No. 1578 was reported to the House.

Gardner moved to amend S. F. No. 1578 as follows:

Page 1, delete lines 19 to 21 and insert:

"(c) A consumer who makes a written request by mail may pay any fee charged pursuant to this subdivision by check, money order, or credit card. A consumer who makes a request by telephone or other electronic media may pay any fee charged pursuant to this subdivision by credit card."

The motion prevailed and the amendment was adopted.

S. F. No. 1578, A bill for an act relating to consumer protection; regulating security freezes on consumer reports; providing for payment of fees; amending Minnesota Statutes 2006, section 13C.016, subdivision 8.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Greiling	Juhnke	Masin	Peppin
Anderson, B.	DeLaForest	Gunther	Kahn	McFarlane	Peterson, A.
Anderson, S.	Demmer	Hackbarth	Kalin	McNamara	Peterson, N.
Anzalc	Dettmer	Hamilton	Knuth	Moe	Peterson, S.
Atkins	Dill	Hansen	Koenen	Morgan	Poppe
Beard	Dittrich	Hausman	Kohls	Morrow	Rukavina
Benson	Dominguez	Haws	Laine	Mullery	Ruth
Berns	Doty	Heidgerken	Lanning	Murphy, E.	Ruud
Bigham	Drazkowski	Hilstrom	Lenczewski	Murphy, M.	Sailer
Bly	Eastlund	Hilty	Lesch	Nelson	Scalze
Brod	Eken	Holberg	Liebling	Nornes	Seifert
Brown	Emmer	Hoppe	Lieder	Norton	Sertich
Brynaert	Erickson	Hornstein	Lillie	Olin	Severson
Buesgens	Faust	Hortman	Loeffler	Olson	Shimanski
Bunn	Finstad	Hosch	Madore	Otremba	Simon
Carlson	Fritz	Howes	Magnus	Ozment	Simpson
Clark	Gardner	Huntley	Mahoney	Paulsen	Slawik
Cornish	Garofalo	Jaros	Mariani	Paymar	Slocum
Davnie	Gottwalt	Johnson	Marquart	Pelowski	Smith

Solberg
Swails
Thao

Thissen
Tillberry
Tingelstad

Urdahl
Wagenius
Walker

Ward
Wardlow
Welti

Westrom
Winkler
Wollschlager

Zellers
Spk. Kelliher

The bill was passed, as amended, and its title agreed to.

S. F. No. 2765 was reported to the House.

Dominguez moved to amend S. F. No. 2765 as follows:

Page 1, line 16, after "licensees" insert ", or persons acting on their behalf,"

The motion prevailed and the amendment was adopted.

Morrow and Dominguez moved to amend S. F. No. 2765, as amended, as follows:

Page 2, line 10, delete "or"

Page 2, line 11, delete the period and insert a semicolon

Page 2, after line 11, insert:

"(4) direct contact initiated by an ambulance service licensed under chapter 144E, a medical response unit registered under section 144E.275, or by the emergency department of a hospital licensed under chapter 144, for the purpose of rendering emergency care; or

(5) a situation in which the injured person:

(i) had a prior professional relationship with the licensee;

(ii) has selected that licensee as the licensee from whom the injured person receives health care; or

(iii) has received treatment related to the accident from the licensee."

The motion prevailed and the amendment was adopted.

Emmer offered an amendment to S. F. No. 2765, as amended.

POINT OF ORDER

Dominguez raised a point of order pursuant to rule 3.21 that the Emmer amendment was not in order. Speaker pro tempore Hausman ruled the point of order well taken and the Emmer amendment out of order.

Seifert appealed the decision of Speaker pro tempore Hausman.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dettmer	Haws	Liebling	Olson	Slawik
Anderson, B.	Dill	Heidgerken	Lieder	Otremba	Slocum
Anderson, S.	Dittrich	Hilstrom	Lillie	Ozment	Smith
Anzelc	Dominguez	Hilty	Loeffler	Paulsen	Solberg
Atkins	Doty	Holberg	Madore	Paymar	Swails
Beard	Drazkowski	Hoppe	Magnus	Pelowski	Thao
Benson	Eastlund	Hornstein	Mahoney	Peppin	Thissen
Berns	Eken	Hortman	Mariani	Peterson, A.	Tillberry
Bigham	Emmer	Hosch	Marquart	Peterson, N.	Tingelstad
Bly	Erhardt	Howes	Masin	Peterson, S.	Urdahl
Brod	Erickson	Huntley	McFarlane	Poppe	Wagenius
Brown	Faust	Jaros	McNamara	Rukavina	Walker
Brynaert	Finstad	Johnson	Moe	Ruth	Ward
Buesgens	Fritz	Juhnke	Morgan	Ruud	Wardlow
Bunn	Gardner	Kahn	Morrow	Sailer	Welti
Carlson	Garofalo	Knuth	Mullery	Scalze	Westrom
Clark	Gottwalt	Koenen	Murphy, E.	Seifert	Winkler
Cornish	Gunther	Kohls	Murphy, M.	Sertich	Wollschlager
Davnie	Hackbarth	Laine	Nelson	Severson	Zellers
Dean	Hamilton	Lanning	Nornes	Shimanski	Spk. Kelliher
DeLaForest	Hansen	Lenczewski	Norton	Simon	
Demmer	Hausman	Lesch	Olin	Simpson	

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The vote was taken on the question "Shall the decision of Speaker pro tempore Hausman stand as the judgment of the House?" and the roll was called. There were 85 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Jaros	Mahoney	Pelowski	Thao
Anzelc	Eken	Johnson	Mariani	Peterson, A.	Thissen
Atkins	Erhardt	Juhnke	Marquart	Peterson, N.	Tillberry
Benson	Faust	Kahn	Masin	Peterson, S.	Wagenius
Bigham	Fritz	Kalin	Moe	Poppe	Walker
Bly	Gardner	Knuth	Morgan	Rukavina	Ward
Brown	Hansen	Koenen	Morrow	Ruud	Welti
Brynaert	Hausman	Laine	Mullery	Sailer	Winkler
Bunn	Haws	Lenczewski	Murphy, E.	Scalze	Wollschlager
Carlson	Hilstrom	Lesch	Murphy, M.	Sertich	Spk. Kelliher
Clark	Hilty	Liebling	Nelson	Simon	
Davnie	Hornstein	Lieder	Norton	Slawik	
Dill	Hortman	Lillie	Olin	Slocum	
Dittrich	Hosch	Loeffler	Otremba	Solberg	
Dominguez	Huntley	Madore	Paymar	Swails	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Garofalo	Howes	Ozment	Smith
Anderson, S.	Demmer	Gottwalt	Kohls	Paulsen	Tingelstad
Beard	Dettmer	Gunther	Lanning	Peppin	Urdahl
Berns	Draskowski	Hackbarth	Magnus	Ruth	Wardlow
Brod	Eastlund	Hamilton	McFarlane	Seifert	Westrom
Buesgens	Emmer	Heidgerken	McNamara	Severson	Zellers
Cornish	Erickson	Holberg	Nornes	Shimanski	
Dean	Finstad	Hoppe	Olson	Simpson	

So it was the judgment of the House that the decision of Speaker pro tempore Hausman should stand.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

S. F. No. 2765, A bill for an act relating to insurance; regulating auto insurance; regulating certain claims practices; amending Minnesota Statutes 2006, section 65B.54, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Lillie	Otremba	Slocum
Anderson, S.	Dittrich	Hilty	Loeffler	Ozment	Smith
Anzelc	Dominguez	Hornstein	Madore	Paulsen	Solberg
Atkins	Doty	Hortman	Magnus	Paymar	Swails
Beard	Eken	Hosch	Mahoney	Pelowski	Thao
Benson	Erhardt	Howes	Mariani	Peppin	Thissen
Berns	Erickson	Huntley	Marquart	Peterson, A.	Tillberry
Bigham	Faust	Jaros	Masin	Peterson, N.	Tingelstad
Bly	Finstad	Johnson	McFarlane	Peterson, S.	Urdahl
Brod	Fritz	Juhnke	McNamara	Poppe	Wagenius
Brown	Gardner	Kahn	Moe	Rukavina	Walker
Brynaert	Garofalo	Kalin	Morgan	Ruth	Ward
Bunn	Gottwalt	Knuth	Morrow	Ruud	Wardlow
Carlson	Greiling	Koenen	Mullery	Sailer	Welti
Clark	Gunther	Laine	Murphy, E.	Scalze	Westrom
Cornish	Hamilton	Lanning	Murphy, M.	Seifert	Winkler
Davnie	Hansen	Lenczewski	Nelson	Sertich	Wollschlager
Dean	Hausman	Lesch	Nornes	Simon	Spk. Kelliher
DeLaForest	Haws	Liebling	Norton	Simpson	
Demmer	Heidgerken	Lieder	Olin	Slawik	

Those who voted in the negative were:

Anderson, B.	Drazkowski	Hackbarth	Kohls	Shimanski
Buesgens	Eastlund	Holberg	Olson	Zellers
Dettmer	Emmer	Hoppe	Severson	

The bill was passed, as amended, and its title agreed to.

S. F. No. 2915 was reported to the House.

Kohls; Peterson, N., and Mullery moved to amend S. F. No. 2915, the second engrossment, as follows:

Page 2, line 2, strike "\$8,500" and insert "\$25,000"

The motion prevailed and the amendment was adopted.

S. F. No. 2915, A bill for an act relating to judicial process; modifying certain civil and criminal penalties; amending Minnesota Statutes 2006, section 363A.29, subdivision 4; Minnesota Statutes 2007 Supplement, section 609.822, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Holberg	Lillie	Ozment	Slocum
Anderson, S.	Dominguez	Hoppe	Loeffler	Paulsen	Smith
Anzelc	Doty	Hornstein	Madore	Paymar	Solberg
Atkins	Eastlund	Hortman	Magnus	Pelowski	Swails
Beard	Eken	Hosch	Mahoney	Peppin	Thao
Benson	Erhardt	Howes	Mariani	Peterson, A.	Thissen
Berns	Faust	Huntley	Marquart	Peterson, N.	Tillberry
Bigham	Finstad	Jaros	Masin	Peterson, S.	Tingelstad
Bly	Fritz	Johnson	McFarlane	Poppe	Urdahl
Brod	Gardner	Juhnke	McNamara	Rukavina	Wagenius
Brown	Garofalo	Kahn	Moe	Ruth	Walker
Brynaert	Gottwalt	Kalin	Morgan	Ruud	Ward
Bunn	Greiling	Knuth	Morrow	Sailer	Wardlow
Carlson	Gunther	Koenen	Mullery	Scalze	Welti
Clark	Hamilton	Kohls	Murphy, E.	Seifert	Westrom
Cornish	Hansen	Laine	Murphy, M.	Sertich	Winkler
Dean	Hausman	Lanning	Nelson	Severson	Wollschlager
DeLaForest	Haws	Lenczewski	Nornes	Shimanski	Zellers
Demmer	Heidgerken	Lesch	Norton	Simon	Spk. Kelliher
Dettmer	Hilstrom	Liebling	Olin	Simpson	
Dill	Hilty	Lieder	Otremba	Slawik	

Those who voted in the negative were:

Anderson, B.	Drazkowski	Erickson	Olson
Buesgens	Emmer	Hackbarth	

The bill was passed, as amended, and its title agreed to.

S. F. No. 3622 was reported to the House.

Berns moved to amend S. F. No. 3622 as follows:

Page 3, after line 17, insert:

"Sec. 9. Minnesota Statutes 2006, section 471.345, is amended by adding a subdivision to read:

Subd. 20. **Additional public notice when sealed bids not used.** (a) Before entering into a contract under this section for which sealed bids are not used, the municipality must publish notice in the local newspaper specifying whom the municipality obtained quotations from or negotiated with, what the contract is for, the estimated cost of the contract, and the estimated amount of time it will take to complete the contract. Within 30 days of making final payment on a contract entered into without following the sealed bidding process, the municipality must publish in the local newspaper the name and address of the contractor, what the contract was for, the estimated cost of the contract and the actual cost of the contract, and the time it took to complete the contract.

(b) The requirements in paragraph (a) apply to contracts specified in subdivisions 4 and 4a."

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Speaker pro tempore Hausman called Juhnke to the Chair.

DeLaForest moved to amend S. F. No. 3622 as follows:

Page 3, after line 17, insert:

"Sec. 9. Minnesota Statutes 2006, section 471.345, is amended by adding a subdivision to read:

Subd. 20. **Antikickback certification.** A municipality must not enter into a contract for construction, alteration, repairs, or maintenance work, unless the contractor certifies, as a condition of the contract, that the contractor has not received any kickbacks or other payments from unions representing employees who would perform work under the contract that are related to the contractor's bid or proposal to perform work under the contract."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the DeLaForest amendment and the roll was called. There were 42 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Erhardt	Hamilton	Nornes	Severson
Anderson, S.	Demmer	Erickson	Heidgerken	Olson	Shimanski
Beard	Dettmer	Finstad	Holberg	Paulsen	Simpson
Berns	Dittrich	Garofalo	Hoppe	Peppin	Urdahl
Brod	Drazkowski	Gottwalt	Kohls	Peterson, N.	Wardlow
Buesgens	Eastlund	Gunther	Magnus	Ruth	Westrom
Dean	Emmer	Hackbarth	McNamara	Seifert	Zellers

Those who voted in the negative were:

Abeler	Doty	Huntley	Loeffler	Olin	Slocum
Anzenc	Eken	Jaros	Madore	Otremba	Smith
Atkins	Faust	Johnson	Mahoney	Ozment	Solberg
Benson	Fritz	Juhnke	Mariani	Paymar	Swails
Bigham	Gardner	Kahn	Marquart	Pelowski	Thao
Bly	Greiling	Kalin	Masin	Peterson, A.	Thissen
Brown	Hansen	Knuth	McFarlane	Peterson, S.	Tillberry
Brynaert	Hausman	Koenen	Moe	Poppe	Tingelstad
Bunn	Haws	Laine	Morgan	Rukavina	Wagenius
Carlson	Hilstrom	Lanning	Morrow	Ruud	Walker
Clark	Hilty	Lenczewski	Mullery	Sailer	Ward
Cornish	Hornstein	Lesch	Murphy, E.	Scalze	Welti
Davnie	Hortman	Liebling	Murphy, M.	Sertich	Winkler
Dill	Hosch	Lieder	Nelson	Simon	Wollschlager
Dominguez	Howes	Lillie	Norton	Slawik	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Eastlund moved to amend S. F. No. 3622 as follows:

Page 2, delete section 5

Page 3, delete section 7

Page 3, line 14, strike everything after the period

Page 3, strike lines 15 to 17

Page 3, after line 17, insert:

"Sec. 9. **REPEALER.**

Minnesota Statutes 2007 Supplement, section 471.345, subdivisions 3a and 4a, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Eastlund amendment and the roll was called. There were 39 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gottwalt	Hoppe	Olson	Simpson
Anderson, S.	Drazkowski	Gunther	Kohls	Paulsen	Wardlow
Berns	Eastlund	Hackbarth	Lanning	Peppin	Westrom
Brod	Emmer	Hamilton	Magnus	Ruth	Zellers
Buesgens	Erickson	Haws	McFarlane	Seifert	
Dean	Finstad	Heidgerken	McNamara	Severson	
DeLaForest	Garofalo	Holberg	Nornes	Shimanski	

Those who voted in the negative were:

Abeler	Dittrich	Howes	Madore	Paymar	Swails
Anzelc	Dominguez	Huntley	Mahoney	Pelowski	Thao
Atkins	Doty	Jaros	Mariani	Peterson, A.	Thissen
Beard	Eken	Johnson	Marquart	Peterson, N.	Tillberry
Benson	Erhardt	Juhnke	Masin	Peterson, S.	Tingelstad
Bigham	Faust	Kahn	Moe	Poppe	Urdahl
Bly	Fritz	Kalin	Morgan	Rukavina	Wagenius
Brown	Gardner	Knuth	Morrow	Ruud	Walker
Brynaert	Greiling	Koenen	Mullery	Sailer	Ward
Bunn	Hansen	Laine	Murphy, E.	Scalze	Welti
Carlson	Hausman	Lenczewski	Murphy, M.	Sertich	Winkler
Clark	Hilstrom	Lesch	Nelson	Simon	Wollschlager
Cornish	Hilty	Liebling	Norton	Slawik	Spk. Kelliher
Davnie	Hornstein	Lieder	Olin	Slocum	
Demmer	Hortman	Lillie	Otremba	Smith	
Dill	Hosch	Loeffler	Ozment	Solberg	

The motion did not prevail and the amendment was not adopted.

Severson moved to amend S. F. No. 3622 as follows:

Page 2, delete sections 4 to 6

Page 3, delete sections 7 and 8

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Severson amendment and the roll was called. There were 28 yeas and 103 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Finstad	Holberg	Paulsen	Wardlow
Beard	Drazkowski	Gottwalt	Hoppe	Peppin	Westrom
Berns	Eastlund	Gunther	Kohls	Seifert	Zellers
Buesgens	Emmer	Hackbarth	Magnus	Severson	
DeLaForest	Erickson	Hamilton	Olson	Shimanski	

Those who voted in the negative were:

Abeler	Dittrich	Howes	Mahoney	Paymar	Swails
Anderson, S.	Dominguez	Huntley	Mariani	Pelowski	Thao
Anzelc	Doty	Jaros	Marquart	Peterson, A.	Thissen
Atkins	Eken	Johnson	Masin	Peterson, N.	Tillberry
Benson	Erhardt	Juhnke	McFarlane	Peterson, S.	Tingelstad
Bigham	Faust	Kahn	McNamara	Poppe	Urdahl
Bly	Fritz	Kalin	Moe	Rukavina	Wagenius
Brod	Gardner	Knuth	Morgan	Ruth	Walker
Brown	Greiling	Koenen	Morrow	Ruud	Ward
Brynaert	Hansen	Laine	Mullery	Sailer	Welti
Bunn	Hausman	Lanning	Murphy, E.	Scalze	Winkler
Carlson	Haws	Lenczewski	Murphy, M.	Sertich	Wollschlager
Clark	Heidgerken	Lesch	Nelson	Simon	Spk. Kelliher
Cornish	Hilstrom	Liebling	Nornes	Simpson	
Davnie	Hilty	Lieder	Norton	Slawik	
Dean	Hornstein	Lillie	Olin	Slocum	
Demmer	Hortman	Loeffler	Otremba	Smith	
Dill	Hosch	Madore	Ozment	Solberg	

The motion did not prevail and the amendment was not adopted.

Berns moved to amend S. F. No. 3622 as follows:

Page 3, after line 17, insert:

"Sec. 9. Minnesota Statutes 2006, section 471.345, is amended by adding a subdivision to read:

Subd. 20. **Additional public notice when sealed bids not used.** (a) Before entering into a contract under this section for which sealed bids are not used, the municipality must publish notice in the local newspaper specifying whom the municipality obtained quotations from or negotiated with, what the contract is for, the estimated cost of the contract, and the estimated amount of time it will take to complete the contract. Within 30 days of making final payment on a contract entered into without following the sealed bidding process, the municipality must publish in the local newspaper the name and address of the contractor, what the contract was for, the estimated cost of the contract and the actual cost of the contract, and the time it took to complete the contract.

(b) The requirements in paragraph (a) apply to contracts specified in subdivisions 4 and 4a if the project is more than \$75,000."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Berns amendment and the roll was called. There were 31 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Erickson	Holberg	Peppin	Zellers
Anderson, S.	DeLaForest	Gardner	Hoppe	Seifert	
Beard	Demmer	Gottwalt	Kohls	Severson	
Berns	Dettmer	Gunther	Magnus	Shimanski	
Brod	Drazkowski	Hackbarth	Olson	Simpson	
Buesgens	Emmer	Hamilton	Paulsen	Smith	

Those who voted in the negative were:

Abeler	Eastlund	Huntley	Mahoney	Paymar	Thao
Anzelc	Eken	Jaros	Marquart	Pelowski	Thissen
Atkins	Erhardt	Johnson	Masin	Peterson, A.	Tillberry
Benson	Faust	Juhnke	McFarlane	Peterson, N.	Tingelstad
Bigham	Finstad	Kahn	McNamara	Peterson, S.	Urdahl
Bly	Fritz	Kalin	Moe	Poppe	Wagenius
Brown	Greiling	Knuth	Morgan	Rukavina	Walker
Brynaert	Hansen	Koenen	Morrow	Ruth	Ward
Bunn	Hausman	Laine	Mullery	Ruud	Wardlow
Carlson	Haws	Lanning	Murphy, E.	Sailer	Welti
Clark	Heidgerken	Lenczewski	Murphy, M.	Scalze	Westrom
Cornish	Hilstrom	Lesch	Nelson	Sertich	Winkler
Davnie	Hilty	Liebling	Nornes	Simon	Wollschlager
Dill	Hornstein	Lieder	Norton	Slawik	Spk. Kelliher
Dittrich	Hortman	Lillie	Olin	Slocum	
Dominguez	Hosch	Loeffler	Otremba	Solberg	
Doty	Howes	Madore	Ozment	Swails	

The motion did not prevail and the amendment was not adopted.

Gunther moved to amend S. F. No. 3622 as follows:

Page 2, after line 11, insert:

"Sec. 4. Minnesota Statutes 2006, section 177.42, subdivision 4, is amended to read:

Subd. 4. **Prevailing hours of labor.** "Prevailing hours of labor" means the hours of labor per day and per week worked within the area by a larger number of workers of the same class than are employed within the area for any other number of hours per day and per week. Within the seven metropolitan counties as defined under section 473.121, subdivision 4, the prevailing hours of labor may not be more than eight hours per day or more than 40 hours per week. For areas of the state not included in the seven metropolitan counties, the prevailing hours of labor may not be more than ten hours per day or more than 40 hours per week."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

S. F. No. 3622, A bill for an act relating to local government; changing the contract threshold amounts subject to certain requirements of the Uniform Municipal Contracting Law; amending Minnesota Statutes 2006, sections 103E.705, subdivisions 5, 6, 7; 471.345, subdivisions 3, 4; Minnesota Statutes 2007 Supplement, section 471.345, subdivisions 3a, 4a, 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hornstein	Madore	Paulsen	Swails
Anderson, S.	Doty	Hortman	Magnus	Paymar	Thao
Anzelc	Eastlund	Hosch	Mahoney	Pelowski	Thissen
Atkins	Eken	Howes	Mariani	Peterson, A.	Tillberry
Benson	Erhardt	Huntley	Marquart	Peterson, N.	Tingelstad
Bigham	Erickson	Jaros	Masin	Peterson, S.	Urdahl
Bly	Faust	Johnson	McFarlane	Poppe	Wagenius
Brod	Fritz	Juhnke	McNamara	Rukavina	Walker
Brown	Gardner	Kahn	Moe	Ruth	Ward
Brynaert	Garofalo	Kalin	Morgan	Ruud	Wardlow
Bunn	Gottwalt	Knuth	Morrow	Sailer	Welti
Carlson	Greiling	Koenen	Mullery	Scalze	Westrom
Clark	Gunther	Laine	Murphy, E.	Seifert	Winkler
Cornish	Hamilton	Lanning	Murphy, M.	Sertich	Wollschlager
Davnie	Hansen	Lenczewski	Nelson	Severson	Spk. Kelliher
Dean	Hausman	Lesch	Nornes	Simon	
Demmer	Haws	Liebling	Norton	Simpson	
Dettmer	Heidgerken	Lieder	Olin	Slawik	
Dill	Hilstrom	Lillie	Otremba	Slocum	
Dittrich	Hilty	Loeffler	Ozment	Solberg	

Those who voted in the negative were:

Anderson, B.	Buesgens	Emmer	Holberg	Olson	Smith
Beard	DeLaForest	Finstad	Hoppe	Peppin	Zellers
Berns	Drazkowski	Hackbarth	Kohls	Shimanski	

The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

The Speaker resumed the Chair.

There being no objection, the order of business reverted to Reports of Standing Committees and Divisions.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Sertich from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 3902, A bill for an act relating to the operation of state government; making certain changes in agriculture, fuel, and veterans policy; establishing or changing certain programs, requirements, and procedures; regulating certain activities; establishing a planning group and a working group; amending Minnesota Statutes 2006, sections 13.785, by adding a subdivision; 18B.065, subdivisions 2, 7; 18B.07, subdivision 2; 18D.305, subdivision

2; 18E.04, subdivision 2; 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision; 28A.09, subdivision 1; 29.23; 31.05; 31.171; 41D.01, subdivision 4; 97A.028, subdivision 3; 148.01, subdivision 1, by adding subdivisions; 196.021; 196.03; 197.236; 198.32, subdivision 1; 239.77, as amended; 349.12, subdivision 3a; 609.115, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 18B.065, subdivisions 1, 2a; 18B.26, subdivision 3; 31.175; 35.244; 41A.105, subdivision 2; 197.791, subdivisions 1, 4, 5; 296A.01, subdivision 8a; Laws 2007, chapter 45, article 1, section 3, subdivisions 3, 4, 5; proposing coding for new law in Minnesota Statutes, chapters 17; 32; 148; 196; 197; repealing Minnesota Statutes 2006, sections 197.236, subdivisions 7, 10; 198.001, subdivisions 6, 9; 198.002, subdivisions 1, 3, 6; 198.003, subdivisions 5, 6; 198.004, subdivision 2; Minnesota Statutes 2007 Supplement, sections 41A.105, subdivision 5; 198.002, subdivision 2; 198.004, subdivision 1; Minnesota Rules, part 9050.0040, subpart 15.

Reported the same back with the following amendments:

Page 39, after line 27, insert:

"Sec. 2. **[192.056] PROTECTION OF RESERVIST-OWNED BUSINESS DURING ACTIVE SERVICE.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Active service" has the meaning given in section 190.05, subdivision 5.

(c) "Business" means a business wholly owned by a qualified service member, or jointly by the member and the member's spouse, irrespective of whether the business is a sole proprietorship, corporation, limited liability company, partnership, limited partnership, or other type of business entity.

(d) "Qualified service member" means a Minnesota resident who is serving honorably as a member of the Minnesota National Guard or any other military reserve unit of the United States armed forces who has been ordered into active service for a period of 60 days or longer.

Subd. 2. **Protection provided.** (a) Notwithstanding any other law or rule to the contrary, the business of a qualified service member may be exempted from civil court proceedings for part or all of the period of the member's active military service and for up to 60 days thereafter, as provided in this section.

(b) If the business of a qualified service member is a defendant in a civil action, the court may, on its own motion, grant a stay in the proceedings for a minimum of 60 days. The court, on its own motion, may renew the stay as the court considers appropriate. If the qualified service member petitions the court in any manner for a stay, the court must grant a stay for a minimum of 60 days, provided that:

(1) the service member submits to the court a letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the service member's ability to appear or otherwise participate in the proceedings, and stating a date when the service member will be available to appear or otherwise participate in the proceedings; and

(2) the service member submits a letter or other communication from the service member's commanding officer stating that the service member's current military duty prevents appearance and that military leave is not authorized for the service member at the time of the letter.

(c) A service member's communication with the court requesting a stay does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense, including a defense relating to lack of personal jurisdiction.

(d) A qualified service member who is granted a stay in the action or proceedings against the member's business may in any manner request from the court an additional stay, which the court may grant if the service member can show to the satisfaction of the court that the member's military requirements affect the member's ability to appear. However, the court is not obligated to grant the additional stay. If the court refuses to grant an additional stay, the court must provide the service member with information enabling the service member to acquire qualified legal counsel, at the service member's discretion, for defending the action.

(e) If a default judgment is entered in a civil action against the business of a qualified service member during the service member's period of active military service, or within 60 days following termination of or release from the active military service, the court entering the judgment must, upon application by or on behalf of the service member, reopen the judgment for the purpose of allowing the member to defend the action if it appears that:

(1) the service member was materially affected by reason of that military service in making a defense to the action; and

(2) the service member has a meritorious or legal defense to the action or some part of it.

EFFECTIVE DATE. This section is effective July 1, 2008, and applies to civil court actions pending or initiated on or after that date."

Page 55, line 2, before "Minnesota" insert "(a)"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3357, A bill for an act relating to municipal boundary adjustments; providing for changes in municipal boundaries; imposing powers and duties on the chief administrative law judge; amending Minnesota Statutes 2006, sections 4A.02; 40A.121, subdivision 1; 272.67, subdivision 1; 276A.09; 365.46, subdivision 2; 379.05; 412.021, subdivision 1; 412.091; 414.01, subdivisions 1, 1a, 8a, 16; 414.011, by adding a subdivision; 414.02, subdivision 1a; 414.031, subdivisions 1a, 4, by adding a subdivision; 414.0325, subdivisions 1, 5; 414.0333; 414.035; 414.067, subdivision 1; 414.12, subdivisions 1, 3, 4, by adding subdivisions; 462.3535, subdivision 5; 473F.13, subdivision 1; 473H.14; 572A.01, subdivision 2; 572A.015, subdivision 2; 572A.02, subdivision 6; Minnesota Statutes 2007 Supplement, section 414.0325, subdivision 1b; Laws 2006, chapter 270, article 2, section 1, as amended; repealing Minnesota Statutes 2006, sections 414.01, subdivision 7a; 414.011, subdivision 11; 414.12, subdivision 2.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3516, A bill for an act relating to real property; providing specification of certain information about a premises subject to foreclosure; providing for electronic recording; requiring a report; amending Minnesota Statutes 2006, sections 14.03, subdivision 3; 58.02, by adding a subdivision; 287.08; 287.241; 287.25; 386.03; 386.19; 386.26, subdivision 1; 386.31; 386.409; 507.093; 507.40; 507.46, subdivision 1; Minnesota Statutes 2007 Supplement, section 507.24, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 272; 507; 580.

The Senate has appointed as such committee:

Senators Rest, Higgins and Gerlach.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3662, A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board; amending Minnesota Statutes 2006, section 375.101, by adding a subdivision.

The Senate has appointed as such committee:

Senators Lourey, Olseen and Wergin.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2822.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2822

A bill for an act relating to insurance; providing for penalties and attorney fees for certain insurance claims practices; proposing coding for new law in Minnesota Statutes, chapter 604.

April 11, 2008

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2822 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2822 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[604.18] INSURANCE STANDARD OF CONDUCT.**

Subdivision 1. **Terms.** For purposes of this section, the following terms have the meanings given them.

(a) "Insurance policy" means a written agreement between an insured and an insurer that obligates an insurer to pay proceeds directly to an insured. Insurance policy does not include provisions of a written agreement obligating an insurer to defend an insured, reimburse an insured's defense expenses, provide for any other type of defense obligation, or provide indemnification for judgments or settlements. Insurance policy does not include:

(1) coverage for workers' compensation insurance under chapter 176;

(2) a written agreement of a health carrier, as defined in section 62A.011;

(3) a contract issued by a nonprofit health service plan corporation regulated under chapter 62C that provides only dental coverage;

(4) a written agreement authorized under section 60A.06, subdivision 1, clause (4) or (6), or 64B.16, subdivision 1; or

(5) a written agreement issued pursuant to section 67A.191.

(b) "Insured" means a person who, or an entity which, qualifies as an insured under the terms of an insurance policy on which a claim for coverage is made. An insured does not include any person or entity claiming a third-party beneficiary status under an insurance policy.

(c) "Insurer" means every insurer, corporation, business trust, or association engaged in insurance as a principal licensed or authorized to transact insurance under section 60A.06, but for purposes of this section an insurer does not include a political subdivision providing self-insurance or a pool of political subdivisions under section 471.981, subdivision 3. The term does not include the Joint Underwriting Association operating under chapter 62F or 62I.

Subd. 2. **Liability.** (a) The court may award as taxable costs to an insured against an insurer amounts as provided in subdivision 3 if the insured can show:

(1) the absence of a reasonable basis for denying the benefits of the insurance policy; and

(2) that the insurer knew of the lack of a reasonable basis for denying the benefits of the insurance policy or acted in reckless disregard of the lack of a reasonable basis for denying the benefits of the insurance policy.

(b) A violation of this section shall not be the basis for any claim or award under chapter 325D or 325F.

(c) An insurer does not violate this subdivision by conducting or cooperating with a timely investigation into arson or fraud.

Subd. 3. **Damages and costs.** (a) In addition to prejudgment and postjudgment interest and costs and disbursements allowed under law, the court may award an insured the following taxable costs for a violation of subdivision 2:

(1) an amount equal to one-half of the proceeds awarded that are in excess of an amount offered by the insurer at least ten days before the trial begins or \$250,000, whichever is less; and

(2) reasonable attorney fees actually incurred to establish the insurer's violation of this section.

Attorney fees may be awarded only if the fees sought are separately accounted for by the insured's attorney and are not duplicative of the fees for the insured's attorney otherwise expended in pursuit of proceeds for the insured under the insurance policy. Attorney fees must not exceed \$100,000.

(b) An insured may not also recover punitive or exemplary damages or attorney fees under section 8.31 for a violation of this section.

Subd. 4. **Claim for taxable costs.** (a) Upon commencement of a civil action by an insured against an insurer, the complaint must not seek a recovery under this section. After filing the suit, a party may make a motion to amend the pleadings to claim recovery of taxable costs under this section. The motion must allege the applicable legal basis under this section for awarding taxable costs under this section, and must be accompanied by one or more affidavits showing the factual basis for the motion. The motion may be opposed by the submission of one or more affidavits showing there is no factual basis for the motion. At the hearing, if the court finds prima facie evidence in support of the motion, the court may grant the moving party permission to amend the pleadings to claim taxable costs under this section.

(b) An award of taxable costs under this section shall be determined by the court in a proceeding subsequent to any determination by a fact finder of the amount an insured is entitled to under the insurance policy, and shall be governed by the procedures set forth in Minnesota General Rules of Practice, Rule 119.

(c) An award of taxable costs under this section is not available in any claim that is resolved or confirmed by arbitration or appraisal.

(d) The following are not admissible in any proceeding that seeks taxable costs under this section:

(1) findings or determinations made in arbitration proceedings conducted under section 65B.525 or rules adopted under that section;

(2) allegations involving, or results of, investigations, examinations, or administrative proceedings conducted by the Department of Commerce;

(3) administrative bulletins or other informal guidance published or disseminated by the Department of Commerce; and

(4) provisions under chapters 59A to 79A and rules adopted under those sections are not admissible as standards of conduct.

(e) A claim for taxable costs under this section may not be assigned. This paragraph does not affect the assignment of rights not established in this section.

Subd. 5. **Insurance producers; liability limited.** A licensed insurance producer is not liable under this section for errors, acts, or omissions attributed to the insurer that appointed the producer to transact business on its behalf, except to the extent the producer has caused or contributed to the error, act, or omission.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective August 1, 2008, and applies to causes of action for conduct that occurs on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; providing for penalties and recovery of attorney fees for certain insurance claims practices; proposing coding for new law in Minnesota Statutes, chapter 604."

We request the adoption of this report and repassage of the bill.

Senate Conferees: TARRYL L. CLARK, LINDA SCHEID, MEE MOUA, LINDA HIGGINS AND MICHAEL J. JUNGBAUER.

House Conferees: JOE ATKINS, STEVE SMITH, TERRY MORROW, DEBRA HILSTROM AND LEON LILLIE.

Atkins moved that the report of the Conference Committee on S. F. No. 2822 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2822, A bill for an act relating to insurance; providing for penalties and attorney fees for certain insurance claims practices; proposing coding for new law in Minnesota Statutes, chapter 604.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 93 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Bly	Bunn	Davnie	Doty
Anzelc	Berns	Brown	Carlson	Dill	Eken
Atkins	Bigham	Brynaert	Clark	Dominguez	Erhardt

Faust	Huntley	Lillie	Murphy, E.	Rukavina	Thissen
Fritz	Jaros	Loeffler	Murphy, M.	Ruth	Tillberry
Gardner	Johnson	Madore	Nelson	Ruud	Wagenius
Greiling	Juhnke	Mahoney	Norton	Sailer	Walker
Hansen	Kahn	Mariani	Olin	Scalze	Ward
Hausman	Kalin	Marquart	Otremba	Sertich	Welti
Haws	Knuth	Masin	Paulsen	Simon	Westrom
Hilstrom	Koenen	McFarlane	Paymar	Slawik	Winkler
Hilty	Laine	McNamara	Pelowski	Slocum	Wollschlager
Hornstein	Lenczewski	Moe	Peterson, A.	Smith	Spk. Kelliher
Hortman	Lesch	Morgan	Peterson, N.	Solberg	
Hosch	Liebling	Morrow	Peterson, S.	Swails	
Hoves	Lieder	Mullery	Poppe	Thao	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Erickson	Heidgerken	Olson	Tingelstad
Anderson, S.	Demmer	Finstad	Holberg	Ozment	Urdahl
Beard	Dettmer	Garofalo	Hoppe	Peppin	Wardlow
Brod	Dittrich	Gottwalt	Kohls	Seifert	Zellers
Buesgens	Drazkowski	Gunther	Lanning	Severson	
Cornish	Eastlund	Hackbarth	Magnus	Shimanski	
Dean	Emmer	Hamilton	Nornes	Simpson	

The bill was repassed, as amended by Conference, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3391, A bill for an act relating to health care reform; increasing affordability and continuity of care for state health care programs; modifying health care provisions; providing subsidies for employee share of employer-subsidized insurance in certain cases; establishing the Health Care Transformation Commission; creating an affordability standard; implementing a statewide health improvement program; requiring an evaluation of mandated health benefits; requiring a payment system to encourage provider innovation; requiring studies and reports; appropriating money; amending Minnesota Statutes 2006, sections 256B.057, subdivision 8; 256B.69, by adding a subdivision; 256L.05, by adding a subdivision; 256L.06, subdivision 3; 256L.07, subdivision 3; 256L.15, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 256.01, subdivision 2b; 256B.056, subdivision 10; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, subdivision 3a; 256L.07, subdivision 1; 256L.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 145; 256B; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2006, section 256L.15, subdivision 3.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Huntley moved that the House refuse to concur in the Senate amendments to H. F. No. 3391, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3441, 3780, 2988, 3331 and 2967.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3441, A bill for an act relating to courts; limiting testimony of domestic abuse advocates without consent of victims; amending Minnesota Statutes 2007 Supplement, section 595.02, subdivision 1.

The bill was read for the first time.

Paymar moved that S. F. No. 3441 and H. F. No. 3850, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3780, A bill for an act relating to occupations and professions; allowing optometrists to dispense a legend drug at retail under certain conditions; amending Minnesota Statutes 2006, sections 145.711, by adding a subdivision; 148.574.

The bill was read for the first time.

Thao moved that S. F. No. 3780 and H. F. No. 3924, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2988, A bill for an act relating to pupil transportation; establishing qualifications for type III school bus drivers; providing criminal penalties; amending Minnesota Statutes 2006, sections 169A.03, subdivision 23; 171.02, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 169.443, subdivision 9.

The bill was read for the first time.

Bigham moved that S. F. No. 2988 and H. F. No. 3575, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3331, A bill for an act relating to local government finance; permitting Minneapolis Park and Recreation Board to retain proceeds from the condemnation of park lands necessary for the reconstruction and expansion of marked Interstate Highway 35W at the Mississippi River.

The bill was read for the first time.

Kahn moved that S. F. No. 3331 and H. F. No. 3723, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2967, A bill for an act relating to local government; authorizing the Minneapolis Park and Recreation Board and the city of Minneapolis to adopt standards for dedication of land to the public or a payment of a dedication fee on certain new commercial and industrial development; amending Laws 2006, chapter 269, section 2.

The bill was read for the first time.

Hornstein moved that S. F. No. 2967 and H. F. No. 3323, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3391:

Huntley, Thissen, Loeffler, Norton and Abeler.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1351

A bill for an act relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, the highway sign franchise program, streets and highways, highway safety rest areas, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, traffic regulations, flammable liquid definition, drivers' licenses and identification cards, driver records and education, the Real ID Act, traffic-control signals, transportation goals and mission, statewide transportation plan, metropolitan transportation system performance evaluations, transportation contracts, rail service improvement, use of rail bank property, local airports, towing, vehicle impoundments, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, paper product vehicle routes and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, and the Railroad Walkways Safety Act; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.087, subdivision 1, by adding a subdivision; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2, by adding subdivisions; 169.34; 169.471, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.86, subdivision 5, by adding a subdivision; 169.862; 169.864, subdivisions 1, 2; 169.87, subdivision 4; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.12, subdivision 6; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6;

221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221, subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.408, by adding subdivisions; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44.

April 10, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 1351 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1351 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION POLICY

Section 1. Minnesota Statutes 2006, section 117.041, is amended by adding a subdivision to read:

Subd. 3. Geotechnical investigation before eminent domain proceedings. (a) A state agency by order of the commissioner or a political subdivision by resolution may enter property for purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to perform geotechnical investigations.

(b) At least ten days before entering the property, the state agency or political subdivision must serve notice on the property owner requesting permission to enter the property, stating the approximate time and purpose of the entry, and giving the owner the option of refusing entry. If the property owner refuses to consent to the entry, the state agency or political subdivision must apply for a court order authorizing the entry and the removal of any sample or portion from the property, giving notice of the court order to the property owner. The court shall issue an order if the state agency or political subdivision meets the standards in paragraph (a). Notices under this paragraph must be served in the same manner as a summons in a civil action.

(c) The state agency or political subdivision must not cause any unnecessary damage to the property and must compensate the property owner for any damages actually incurred as a result of the geotechnical investigations.

Sec. 2. Minnesota Statutes 2006, section 117.51, is amended to read:

117.51 COOPERATION WITH FEDERAL AUTHORITIES; REESTABLISHMENT COSTS LIMIT.

Subdivision 1. Cooperation with federal authorities. In all acquisitions undertaken by any acquiring authority and in all voluntary rehabilitation carried out by a person pursuant to acquisition or as a consequence thereof, the acquiring authority shall cooperate to the fullest extent with federal departments and agencies, and it shall take all necessary action in order to insure, to the maximum extent possible, federal financial participation in any and all phases of acquisition, including the provision of relocation assistance, services, payments and benefits to displaced persons.

Subd. 2. Reestablishment costs limit. For purposes of relocation benefits paid by the acquiring authority in accordance with this section, the provisions of Code of Federal Regulations, title 49, part 24, with respect to reimbursement of reestablishment expenses for nonresidential moves are applicable, except that the acquiring authority shall reimburse the displaced business for eligible expenses up to a maximum of \$50,000.

EFFECTIVE DATE. This section is effective retroactively from January 16, 2007.

Sec. 3. Minnesota Statutes 2006, section 117.52, subdivision 1a, is amended to read:

Subd. 1a. **Reestablishment costs limit.** For purposes of relocation benefits paid by the acquiring authority in accordance with this section, the provisions of Code of Federal Regulations, title 49, ~~section 24.304~~ part 24, with respect to reimbursement of reestablishment expenses for nonresidential moves are applicable, except that the acquiring authority shall reimburse the displaced business for eligible expenses ~~actually incurred~~ up to a maximum of \$50,000.

EFFECTIVE DATE. This section is effective retroactively from January 16, 2007.

Sec. 4. Minnesota Statutes 2006, section 160.02, is amended by adding a subdivision to read:

Subd. 18a. **Expressway.** "Expressway" means a divided highway with partial control of access.

Sec. 5. Minnesota Statutes 2006, section 160.02, subdivision 19, is amended to read:

Subd. 19. **Freeway or expressway.** "Freeway" or "expressway" means a divided, ~~controlled access~~ highway with ~~four or more lanes~~ full control of access.

Sec. 6. **[160.2721] COMMERCIAL VEHICLE DRIVERS AT REST AREAS.**

(a) The commissioner shall allow a commercial motor vehicle operator who is subject to hours of service regulations under Code of Federal Regulations, title 49, part 395, to stop and park continuously, for a period of up to ten hours as necessary to comply with the hours of service regulations, at any Department of Transportation safety rest area or travel information center that has parking stalls designed to accommodate a commercial motor vehicle, as defined in section 169.01, subdivision 75.

(b) Any clause or provision in a lease or other agreement for the operation of a Department of Transportation safety rest area or travel information center that purports to limit the requirements under paragraph (a) is void and without effect.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 7. Minnesota Statutes 2006, section 160.80, is amended to read:

160.80 SIGN FRANCHISE PROGRAM.

Subdivision 1. **Commissioner may establish program.** (a) The commissioner of transportation may establish a sign franchise program for the purpose of providing on the right-of-way of interstate and controlled-access trunk highways specific information on gas, food, camping, ~~and~~ lodging, and 24-hour pharmacies for the benefit of the motoring public.

(b) The sign franchise program must include urban interstate highways.

Subd. 1a. **Eligibility criteria for business panels.** (a) To be eligible for a business panel on a logo sign panel, a business establishment must:

(1) be open for business;

(2) have a sign on site that both identifies the business and is visible to motorists;

(3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability;

(4) not impose a cover charge or otherwise require customers to purchase additional products or services; and

(5) meet the appropriate criteria in paragraphs (b) to ~~(e)~~ (f).

(b) Gas businesses must provide vehicle services including fuel and oil; restroom facilities and drinking water; continuous, staffed operation at least 12 hours a day, seven days a week; and public access to a telephone.

(c) Food businesses must serve at least two meals a day during normal mealtimes of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at least ten hours a day, seven days a week except holidays as defined in section 645.44, subdivision 5, and except as provided for seasonal food service businesses; provide seating capacity for at least 20 people; and possess any required state or local licensing or approval. Seasonal food service businesses must provide a continuous, staffed food service operation at least ten hours a day, seven days a week, during their months of operation.

(d) Lodging businesses must include sleeping accommodations, provide public access to a telephone, and possess any required state or local licensing or approval.

(e) Camping businesses must include sites for camping, include parking accommodations for each campsite, provide sanitary facilities and drinking water, and possess any required state or local licensing or approval.

(f) 24-hour pharmacy businesses must be continuously operated 24 hours per day, seven days per week, and must have a state-licensed pharmacist present and on duty at all times.

(g) Businesses that do not meet the appropriate criteria in paragraphs (b) to (e) but that have a signed lease as of January 1, 1998, may retain the business panel until December 31, 2005, or until they withdraw from the program, whichever occurs first, provided they continue to meet the criteria in effect in the department's contract with the logo sign vendor on August 1, 1995. After December 31, 2005, or after withdrawing from the program, a business must meet the appropriate criteria in paragraphs (a) to (e) to qualify for a business panel.

~~(g)~~ (h) Seasonal businesses must indicate to motorists when they are open for business by either putting the full months of operation directly on the business panel or by having a "closed" plaque applied to the business panel when the business is closed for the season.

~~(h)~~ (i) The maximum distance that an eligible business in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County can be located from the interchange is: for gas businesses, one mile; for food businesses, two miles; for lodging businesses and 24-hour pharmacies, three miles; and for camping businesses, ten miles.

~~(i)~~ (j) The maximum distance that an eligible business in any other county can be located from the interchange shall not exceed 15 miles in either direction, except the maximum distance that an eligible 24-hour pharmacy business can be located from the interchange shall not exceed three miles in either direction.

~~(j)~~ (k) Logo sign panels must be erected so that motorists approaching an interchange view the panels in the following order: 24-hour pharmacy, camping, lodging, food, gas.

~~(k)~~ (l) If there is insufficient space on a logo sign panel to display all eligible businesses for a specific type of service, the businesses closest to the interchange have priority over businesses farther away from the interchange.

Subd. 2. **Franchises.** The commissioner may, by public negotiation or bid, grant one or more franchises to qualified persons to erect and maintain, on the right-of-way of interstate and controlled-access trunk highways, signs informing the motoring public of gas, food, lodging, ~~and~~ camping facilities, and 24-hour pharmacies. A franchisee shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide gas, food, lodging, ~~and~~ camping facilities, and 24-hour pharmacies for the general public, and lease advertising space on the signs to operators of these facilities.

Subd. 3. **Costs.** All costs incurred under the program established by this section must be paid under agreements negotiated between a franchisee and an advertiser or advertisers, unless otherwise provided in the contract between the commissioner and the franchisee.

Subd. 4. **Contract requirements.** (a) All contracts made by the commissioner with a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount the commissioner determines, jointly insuring the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchise; and

(2) reasonable standards for the size, design, erection, and maintenance of service information signs and the advertising logos thereon.

(b) The commissioner may require additional terms and conditions, including but not limited to provisions on the renewal and termination of the agreement, and in the event of termination the rights of the state and franchisee relative to the franchisee's advertising contracts.

Subd. 5. **Restrictions.** The commissioner shall take no action under this section which will result in the loss to the state of any federal highway construction funds.

Sec. 8. Minnesota Statutes 2006, section 161.14, subdivision 18, is amended to read:

Subd. 18. **Voyageur Highway.** The following route is named and designated the "Voyageur Highway":

(a) Beginning at a point on Trunk Highway No. 26 on the boundary line between the states of Minnesota and Iowa; thence northerly along Trunk Highway No. 26 to its junction with Trunk Highway No. 61; thence northwesterly along Trunk Highway No. 61 to its junction with Trunk Highway No. 10 in the city of St. Paul; thence extending in a general northwesterly direction along Trunk Highway No. 10 to its junction with Trunk Highway No. 371 at Little Falls; thence extending in a general northerly direction along Trunk Highway No. 371 to its junction with Trunk Highway No. 210 at Brainerd; thence northeasterly along Trunk Highway No. 210 to its junction with Trunk Highway No. 169 at Aitkin; thence in a general northerly direction along Trunk Highway No. 169 to its junction with Trunk Highway No. 2 at Grand Rapids, except that portion that is designated as the Jim Oberstar Causeway; thence northwesterly along Trunk Highway No. 2 to its junction with Trunk Highway No. 71 at Bemidji; thence northeasterly along Trunk Highway No. 71 to its junction with Trunk Highway No. 11 at Pelland; thence northeasterly along Trunk Highway No. 11 to its junction with Trunk Highway No. 53 at International Falls; thence southeasterly along Trunk Highway No. 53 to its junction with ~~Trunk Highway No. 61~~ Central Entrance at Duluth; Beginning at a point on Trunk Highway No. 61 at its junction with Interstate Highway 35 and thence northeasterly along Trunk Highway No. 61 to the boundary line between the state of Minnesota and the province of Ontario, Canada.

(b) The route of the Voyageur Highway designated and described in clause (a) is supplemented by legs or alternative routes described as follows:

Beginning at a point on Trunk Highway No. 1 at its junction with Trunk Highway No. 61 northerly of Silver Bay; thence northwesterly along Trunk Highway No. 1 to Ely; thence southwesterly along Trunk Highway No. 1 to its junction with Trunk Highway No. 169; thence southerly and westerly along Trunk Highway No. 169 to its junction with Trunk Highway No. 53, and there terminating.

Beginning at a point on Trunk Highway No. 11 at its junction with Trunk Highway No. 53 at International Falls; thence easterly along Trunk Highway No. 11 to its easterly terminus near Island View.

Beginning at a point on Trunk Highway No. 33 at its junction with Interstate Highway marked I-35 southerly of Cloquet, thence northerly along Trunk Highway No. 33 to its junction with Trunk Highway No. 53.

(c) The commissioner of transportation shall:

(1) adopt a suitable marking design of signs or informational plaques;

(2) effect the installation of such signs or plaques in public waysides or other public areas as approved and designated by the commissioner.

Sec. 9. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 57. **Purple Heart Trail.** Statutory Route No. 392, described in section 161.12 and marked on the effective date of this section as Interstate Highway 94, is designated in its entirety within Minnesota as the Purple Heart Trail. Subject to section 161.139, the commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs at each safety rest area located on the highway.

Sec. 10. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 58. **Dallas Sams Memorial Highway.** That portion of Legislative Route No. 2, signed as Trunk Highway 210 on the date of final enactment of this section, from the city of Motley to the city of Staples, is designated as the "Dallas Sams Memorial Highway." The commissioner of transportation shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 11. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 59. **Walter F. Mondale Drive.** Trunk Highway marked 53 from its intersection with Superior Street to its intersection with Central Entrance in the city of Duluth, as signed on the effective date of this section, is designated "Walter F. Mondale Drive." Subject to section 161.139, the commissioner of transportation shall adopt a suitable marking design to mark this highway and erect appropriate signs.

Sec. 12. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 60. **Jim Oberstar Causeway.** The causeway over Pokegama Lake on Trunk Highway 169 is designated the "Jim Oberstar Causeway." The commissioner of transportation shall adopt a suitable design to mark this highway and erect appropriate signs, subject to section 161.139.

Sec. 13. Minnesota Statutes 2006, section 161.32, subdivision 1, is amended to read:

Subdivision 1. **Advertisement for bids.** The commissioner may conduct the work or any part of the work incidental to the construction and maintenance of the trunk highways by labor employed to do the work or by contract. In cases of construction work, the commissioner shall first advertise for bids for contracts, and if no satisfactory bids are received, may either reject all bids and readvertise, or do the work by labor employed to do the work. Except as provided in subdivision 3 or 4, when work is to be done under contract, the commissioner shall advertise for bids once each week for three successive weeks prior to the date the bids are to be received. The advertisement for bids must be published ~~in a newspaper or other periodical of general circulation in the state and may be placed~~ on the Internet. The plans and specifications for the proposed work must be on file in the commissioner's office prior to the first call for bids.

Sec. 14. Minnesota Statutes 2006, section 161.32, subdivision 1b, is amended to read:

Subd. 1b. **Lowest responsible bidder; electronic bids.** Bidders may submit bids electronically in a form and manner required by the commissioner; however, the commissioner may require that all bids ~~of \$5,000,000 and over~~ for trunk highway contracts must be submitted electronically. Notwithstanding section 13.591, subdivision 3, or any other law or rule to the contrary, bids are not required to be opened and read in public if the commissioner publishes the public data specified by section 13.591, subdivision 3, on a state Web site immediately after the deadline for receipt of bids has passed. Bids for federal-aid highway projects must be conducted in accordance with Code of Federal Regulations, title 23, section 635. Trunk highway construction contracts, including design-build contracts, must be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the call for bids. The commissioner may decide which is the lowest responsible bidder for all contracts and may use the principles of life-cycle costing, when appropriate, in determining the lowest overall bid. Any or all bids may be rejected. When competitive bids are required and all bids are rejected, new bids, if solicited, must be called for as in the first instance, unless otherwise provided by law.

Sec. 15. Minnesota Statutes 2006, section 161.32, subdivision 4, is amended to read:

Subd. 4. **Trunk highways damaged by spring breakup.** Contracts may be let for the repair and restoration of trunk highways damaged by spring breakup upon advertisement for bids ~~and publication thereof in a newspaper or periodical of general circulation~~ for a period of one week prior to the date such bids are to be received, and upon the mailing of such advertisements to all contractors who have filed a written request therefor.

Sec. 16. **[161.3203] CONTRACTS FOR WORK FOR TRUNK HIGHWAY.**

Subdivision 1. **Privatization transportation contracts.** For purposes of this section, "privatization transportation contract" means an enforceable agreement, or combination or series of agreements, by which a private contractor agrees with the commissioner of transportation to provide work (1) that is incidental to the construction or improvement of trunk highways, or (2) for maintenance of trunk highways. A privatization transportation contract does not include a design-build contract as defined in section 161.3410, subdivision 3, contracts awarded pursuant to section 161.32, work related to utility relocation, utility relocation agreements, state aid agreements, municipal agreements, interagency agreements, joint powers agreements, partnership agreements, and grant agreements. Privatization transportation contracts also do not include contracts related to aerial photos, asbestos investigation or abatement, communications, computer and information technology, construction contract administration, cultural resource investigations, electronic communications, environmental investigations, expert witnesses, contaminated soil investigations and remediation, geographic information systems, hydraulic and geotechnical studies, intelligent transportation systems, management support, mapping and photogrammetrics, market research, medical analysis, planning, public relations, right-of-way appraisals or acquisitions and field title investigations, research, relocation services, special studies, traffic studies and modeling, and employee training, and does not include services by persons licensed under sections 326.02 to 326.15.

Subd. 2. **Applicability.** This section applies to privatization transportation contracts in a total amount greater than \$100,000. The requirements imposed by this section are in addition to, and do not supersede, the requirements of any other applicable section of law.

Subd. 3. **Review of contract costs.** (a) Before entering into a privatization transportation contract, the commissioner of transportation shall prepare a comprehensive written estimate of the cost of having the same work provided in the most cost-effective manner by agency employees. The cost estimate must include all costs of having agency employees provide the work, including the cost of pension, insurance, and other employee benefits. The cost estimate is nonpublic data, as defined in section 13.02, subdivision 9, until the day after the deadline for receipt of responses under paragraph (b), when it becomes public data.

(b) After soliciting and receiving responses, the commissioner shall publicly designate the responder to which it proposes to award the privatization contract. The commissioner shall prepare a comprehensive written estimate of the cost of the proposal based on the designated responder's bid, including the cost of a transition from public to private provision of the work, any additional unemployment and retirement benefits resulting from the transfer, and costs associated with monitoring the proposed contract. If the designated responder proposes to perform any or all of the desired services outside the state, the commissioner of transportation shall include in the cost estimate, as nearly as possible, any loss of sales and income tax revenue to the state. The cost estimate must not include trade secret data which is classified as nonpublic data under section 13.37, subdivision 2.

(c) Before entering into a privatization transportation contract for \$250,000 or more, the commissioner shall determine that:

(1) the cost estimated under paragraph (b) will be lower than the cost estimated under paragraph (a);

(2) the quality of the work to be provided by the designated responder is likely to equal or exceed the quality of services that could be provided by Department of Transportation employees;

(3) the contract, together with other privatization transportation contracts to which the department is or has been party, will not reduce full-time equivalent positions within the department or result in layoffs; and

(4) the proposed privatization contract is in the public interest.

Subd. 4. **Reports.** Beginning in 2009, the commissioner shall provide, no later than September 1, an annual written report to the legislature, in compliance with sections 3.195 and 3.197, and shall submit the report to the chairs of the senate and house of representatives committees having jurisdiction over transportation. The report must list all privatization transportation contracts within the meaning of this section that were executed or performed, whether wholly or in part, in the previous fiscal year. The report must identify, with respect to each contract: the contractor; contract amount; duration; work, provided or to be provided; the comprehensive estimate derived under subdivision 3, paragraph (a); the comprehensive estimate derived under subdivision 3, paragraph (b); the actual cost to the agency of the contractor's performance of the contract; and for contracts of at least \$250,000, a statement containing the commissioner's determinations under subdivision 3, paragraph (c).

Subd. 5. **Short title.** This section may be cited as the "Taxpayers' Transportation Accountability Act."

Sec. 17. Minnesota Statutes 2006, section 161.53, is amended to read:

161.53 RESEARCH ACTIVITIES.

The commissioner may set aside in each fiscal year up to two percent of the total amount of all funds appropriated to the commissioner other than county state-aid and municipal state-aid highway funds for transportation research including public and private research partnerships. The commissioner shall spend this money for (1) research to improve the design, construction, maintenance, management, and environmental compatibility of transportation systems; (2) research on transportation policies that enhance energy efficiency and economic development; (3) programs for implementing and monitoring research results; and (4) development of transportation education and outreach activities. Of all funds appropriated to the commissioner other than state-aid funds, the commissioner shall spend at least 0.1 percent, but not exceeding \$800,000 \$1,200,000 in any fiscal year, for research and related activities performed by the Center for Transportation Studies of the University of Minnesota. The center shall establish a technology transfer and training center for Minnesota transportation professionals.

Sec. 18. Minnesota Statutes 2006, section 164.06, subdivision 2, is amended to read:

Subd. 2. **Extinguishing interest in abandoned road.** (a) After providing notice ~~under section 366.01, subdivision 8 as required in paragraph (c),~~ the town board may by resolution disclaim and extinguish a town interest in a town road without action under subdivision 1 if:

- (1) the extinguishment is found by the town board to be in the public interest;
- (2) the interest is not a fee interest;
- (3) the interest was established more than 25 years earlier;
- (4) the interest is not recorded or filed with the county recorder;

(5) no road improvement has been constructed on a right-of-way affected by the interest within the last 25 years; and

(6) no road maintenance on a right-of-way affected by the interest has occurred within the last 25 years.

(b) The resolution shall be filed with the county auditor and recorded with the county recorder.

(c) Not less than 30 days before the first meeting at which a resolution to disclaim and extinguish a town interest in a town road under this subdivision is discussed, the town board shall provide notice of the meeting by certified mail to each property owner abutting the road to be extinguished. A notice must also be posted as provided under section 366.01, subdivision 8.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 19. Minnesota Statutes 2006, section 165.01, is amended to read:

165.01 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section and section 160.02 shall have the same meanings given them.

Subd. 2. **AASHTO manual.** "AASHTO manual" means the Manual for Condition Evaluation of Bridges, published by the American Association of State Highway and Transportation Officials.

Sec. 20. Minnesota Statutes 2006, section 165.03, is amended to read:

165.03 STRENGTH OF BRIDGE; INSPECTION.

Subdivision 1. **Standards generally.** Each bridge, including a privately owned bridge, must conform to the strength, width, clearance, and safety standards imposed by the commissioner for the connecting highway or street. This subdivision applies to a bridge that is constructed after August 1, 1989, on any public highway or street. The bridge must have sufficient strength to support with safety the maximum vehicle weights allowed under sections 169.822 to 169.829 and must have the minimum width specified in section 165.04, subdivision 3.

Subd. 1a. **Inspection.** (a) Each bridge must be inspected annually, unless a longer interval not to exceed two years for bridges or four years for bridges classified as culverts is authorized by the commissioner. The commissioner's authorization must be based on factors including, but not limited to, the age and condition of the bridge, the rate of deterioration of the bridge, the type of structure, the susceptibility of the bridge to failure, and the characteristics of traffic on the bridge. The commissioner may require interim inspections at intervals of less than one year on bridges that are posted, bridges subjected to extreme scour conditions, bridges subject to significant substructure movement or settlement, and for other reasons as specified or inferred in the AASHTO manual.

(b) The thoroughness of each inspection depends on such factors as age, traffic characteristics, state of maintenance, and known deficiencies. The evaluation of these factors is the responsibility of the engineer assigned the responsibility for inspection as defined by rule adopted by the commissioner of transportation.

Subd. 2. **Inspection and inventory responsibilities; rules; forms.** (a) The commissioner of transportation shall adopt official inventory and bridge inspection report forms for use in making bridge inspections by the owners or highway authorities specified by this subdivision. Bridge Inspections shall must be made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts, by the following owner or official:

(1) the commissioner of transportation for all bridges located wholly or partially within or over the right-of-way of a state trunk highway;

(2) the county highway engineer for all bridges located wholly or partially within or over the right-of-way of any county or ~~township~~ town road, or any street within a municipality ~~which~~ that does not have a city engineer regularly employed;

(3) the city engineer for all bridges located wholly or partially within or over the right-of-way of any street located within or along municipal limits;

(4) the commissioner of transportation in case of a toll bridge that is used by the general public and that is not inspected and certified under subdivision 6; provided, that the commissioner of transportation may assess the owner for the costs of ~~such~~ the inspection;

(5) the owner of a bridge over a public highway or street or that carries a roadway designated for public use by a public authority, if not required to be inventoried and inspected under clause (1), (2), (3), or (4).

(b) The commissioner of transportation shall prescribe the standards for bridge inspection and inventory by rules. The owner or highway authority shall inspect and inventory in accordance with these standards and furnish the commissioner with such data as may be necessary to maintain a central inventory.

Subd. 3. **County inventory and inspection records and reports.** The county engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (a), clause (2), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or before February 15 of each year, with the county auditor or town clerk, or the governing body of the municipality. The report ~~shall~~ must contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 4. **Municipal inventory and inspection records and reports.** The city engineer shall maintain a complete inventory record of all bridges as set forth in subdivision 2, paragraph (a), clause (3), with the inspection reports thereof, and shall certify annually to the commissioner, as prescribed by the commissioner, that inspections have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. A report of the inspections ~~shall~~ must be filed annually, on or before February 15 of each year, with the governing body of the municipality. The report ~~shall~~ must contain recommendations for the correction of, or legal posting of load limits on any bridge or structure that is found to be understrength or unsafe.

Subd. 5. **Agreement.** Agreements may be made among the various units of governments, or between governmental units and qualified engineering personnel to carry out the responsibilities for the bridge inspections and reports, as established by subdivision 2.

Subd. 6. **Other bridges.** The owner of a toll bridge and the owner of a bridge described in subdivision 2, paragraph (a), clause (5), shall certify to the commissioner, as prescribed by the commissioner, that inspections of the bridge have been made at regular intervals, not to exceed two years for bridges and not to exceed four years for culverts. The certification ~~shall~~ must be accompanied by a report of the inspection. The report ~~shall~~ must contain recommendations for the correction of or legal posting of load limitations if the bridge is found to be understrength or unsafe.

Subd. 7. **Department of Natural Resources bridge.** (a) Notwithstanding subdivision 2, the commissioners of transportation and natural resources shall negotiate a memorandum of understanding that governs the inspection of bridges owned, operated, or maintained by the commissioner of natural resources.

(b) The memorandum of understanding must provide for:

- (1) the inspection and inventory of bridges subject to federal law or regulations;
- (2) the frequency of inspection of bridges described in paragraph (a); and
- (3) who may perform inspections required under the memorandum of understanding.

Sec. 21. Minnesota Statutes 2006, section 168.011, subdivision 22, is amended to read:

Subd. 22. **Special mobile equipment.** "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch-digging apparatuses, moving dollies, pump hoists and other water well-drilling equipment registered under chapter 1031, vehicle-mounted concrete pumps with or without placement booms, street-sweeping vehicles, and other machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, truck-mounted log loaders, earth-moving carryalls, scrapers, power shovels, draglines, self-propelled cranes, and earth-moving equipment. The term does not include travel trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other motor vehicles designed for the transportation of persons or property to which machinery has been attached.

EFFECTIVE DATE. This section is effective August 1, 2008, and expires December 31, 2010.

Sec. 22. Minnesota Statutes 2006, section 168.013, subdivision 1e, is amended to read:

Subd. 1e. **Truck; tractor; combination; exceptions.** (a) On trucks and tractors except those in this chapter defined as farm trucks, on truck-tractor and semitrailer combinations except those defined as farm combinations, and on commercial zone vehicles, the tax based on total gross weight shall be graduated according to the Minnesota base rate schedule prescribed in this subdivision, but in no event less than \$120.

Minnesota Base Rate Schedule

Scheduled taxes include five percent surtax provided for in subdivision 14

	TOTAL GROSS WEIGHT IN POUNDS	TAX
A	0- 1,500	\$15
B	1,501- 3,000	20
C	3,001- 4,500	25
D	4,501- 6,000	35
E	6,001- 9,000 <u>10,000</u>	45
F	9,001 <u>10,001</u> -12,000	70
G	12,001-15,000	105
H	15,001-18,000	145
I	18,001-21,000	190
J	21,001-26,000	270
K	26,001-33,000	360
L	33,001-39,000	475
M	39,001-45,000	595

N	45,001-51,000	715
O	51,001-57,000	865
P	57,001-63,000	1015
Q	63,001-69,000	1185
R	69,001-73,280	1325
S	73,281-78,000	1595
T	78,001- 81,000 <u>80,000</u>	1760

(b) For purposes of the Minnesota base rate schedule, for vehicles with six or more axles in the "S" and "T" categories, the base rates are \$1,520 and \$1,620 respectively.

(c) For each vehicle with a gross weight in excess of ~~81,000~~ 80,000 pounds an additional tax of \$50 is imposed for each ton or fraction thereof in excess of ~~81,000~~ 80,000 pounds, subject to subdivision 12.

(d) For purposes of registration identification, for vehicles registered in the "O" category, the owner must declare at the time of registration whether the vehicle will carry a weight of 55,000 pounds or more and therefore be subject to the federal heavy vehicle use tax. For those owners who declare a weight less than 55,000 pounds, a distinctive weight sticker must be issued and the owner is restricted to a gross vehicle weight of less than 55,000 pounds.

(e) Truck-tractors except those herein defined as farm and commercial zone vehicles shall be taxed in accord with the foregoing gross weight tax schedule on the basis of the combined gross weight of the truck-tractor and any semitrailer or semitrailers which the applicant proposes to combine with the truck-tractor.

~~(e)~~ (f) Commercial zone trucks include only trucks, truck-tractors, and semitrailer combinations which are:

~~(1) used by an authorized local cartage carrier operating under a permit issued under section 221.296 and whose gross transportation revenue consists of at least 60 percent obtained solely from local cartage carriage, and are operated solely within an area composed of two contiguous cities of the first class and municipalities contiguous thereto as defined by section 221.011, subdivision 17; or~~

~~(2) operated by an interstate carrier registered under section 221.60, or by an authorized local cartage carrier or other carrier receiving operating authority under chapter 221, and operated solely within a zone exempt from regulation pursuant to United States Code, title 49, section 13506.~~

~~(f)~~ (g) The license plates issued for commercial zone vehicles shall be plainly marked. A person operating a commercial zone vehicle outside the zone or area in which its operation is authorized is guilty of a misdemeanor and, in addition to the misdemeanor penalty therefor, the registrar shall have revoke the registration of the vehicle as a commercial zone vehicle revoked by the registrar and shall be required to reregister require that the vehicle be registered at 100 percent of the full annual tax prescribed in the Minnesota base rate schedule, and no part of this tax shall may be refunded during the balance of the registration year.

~~(g)~~ (h) On commercial zone trucks the tax shall be based on the total gross weight of the vehicle and during each of the first eight years of vehicle life ~~shall be is~~ is 75 percent of the Minnesota base rate schedule. During the ninth and succeeding years of vehicle life the tax ~~shall be is~~ is 50 percent of the Minnesota base rate schedule.

~~(h)~~ (i) On trucks, truck-tractors and semitrailer combinations, except those defined as farm trucks and farm combinations, and except for those commercial zone vehicles specifically provided for in this subdivision, the tax for each of the first eight years of vehicle life ~~shall be is~~ is 100 percent of the tax imposed in the Minnesota base rate schedule, and during the ninth and succeeding years of vehicle life, the tax ~~shall be is~~ is 75 percent of the Minnesota base rate prescribed by this subdivision.

(+) (j) For the purpose of registration, trailers coupled with a truck-tractor, semitrailer combination are semitrailers.

Sec. 23. Minnesota Statutes 2007 Supplement, section 168.12, subdivision 5, is amended to read:

Subd. 5. **Additional fee.** (a) In addition to any fee otherwise authorized or any tax otherwise imposed upon any vehicle, the payment of which is required as a condition to the issuance of any plate or plates, the commissioner shall impose the fee specified in paragraph (b) that is calculated to cover the cost of manufacturing and issuing the plate or plates, except for plates issued to disabled veterans as defined in section 168.031 and plates issued pursuant to section 168.124, 168.125, or 168.27, subdivisions 16 and 17, for passenger automobiles. The commissioner shall issue graphic design plates only for vehicles registered pursuant to section 168.017 and recreational vehicles registered pursuant to section 168.013, subdivision 1g.

(b) Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the original, duplicate, or replacement issuance of a plate in a plate year:

License Plate	Single	Double
Regular and Disability	\$4.50	\$6.00
Special	\$8.50	\$10.00
Personalized (Replacement)	\$10.00	\$14.00
Collector Category	\$13.50	\$15.00
Emergency Vehicle Display	\$3.00	\$6.00
Utility Trailer Self-Adhesive	\$2.50	
Stickers		
Duplicate year	\$1.00	\$1.00
International Fuel Tax Agreement	\$2.50	<u>\$2.50</u>

(c) For vehicles that require two of the categories above, the registrar shall only charge the higher of the two fees and not a combined total.

Sec. 24. Minnesota Statutes 2006, section 168.1255, is amended by adding a subdivision to read:

Subd. 6. **World War II memorial donation matching account.** Money remaining in the World War II memorial donation matching account after the state share of the construction costs of the World War II memorial has been paid in full is appropriated to the commissioner of veterans affairs for services and programs for veterans and their families.

Sec. 25. Minnesota Statutes 2006, section 168A.01, is amended by adding a subdivision to read:

Subd. 1a. **Commissioner.** "Commissioner" means the commissioner of public safety.

Sec. 26. Minnesota Statutes 2006, section 168A.05, subdivision 3, is amended to read:

Subd. 3. **Content of certificate.** Each certificate of title issued by the department shall contain:

(1) the date issued;

(2) the first, middle, and last names, and the dates of birth, ~~and addresses~~ of all owners who are natural persons, and the full names ~~and addresses~~ of all other owners;

(3) the residence address of the owner listed first if that owner is a natural person or the address if that owner is not a natural person;

(4) the names ~~and addresses~~ of any secured parties, and the address of the first secured party, listed in the order of priority (i) as shown on the application, or (ii) if the application is based on a certificate of title, as shown on the certificate, or (iii) as otherwise determined by the department;

(4) (5) any liens filed pursuant to a court order or by a public agency responsible for child support enforcement against the owner;

(5) (6) the title number assigned to the vehicle;

(6) (7) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, whether new or used, and if a new vehicle, the date of the first sale of the vehicle for use;

(7) (8) with respect to a motor vehicles vehicle subject to ~~the provisions of~~ section 325E.15, (i) the true cumulative mileage registered on the odometer or (ii) that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;

(8) (9) with respect to ~~vehicles a vehicle~~ subject to sections 325F.6641 and 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or "reconstructed";

(9) (10) with respect to a vehicle contaminated by methamphetamine production, if the registrar has received the certificate of title and notice described in section 152.0275, subdivision 2, paragraph (g), the term "hazardous waste contaminated vehicle"; ~~and~~

(10) (11) with respect to a vehicle subject to section 325F.665, the term "lemon law vehicle"; and

(12) any other data the department prescribes.

Sec. 27. Minnesota Statutes 2006, section 168A.05, subdivision 5, is amended to read:

Subd. 5. **Forms.** (a) The certificate of title shall contain forms:

(1) for assignment and warranty of title by the owner;

(2) for assignment and warranty of title by a dealer;

(3) to apply for a certificate of title by a transferee;

(4) to name a secured party; and

(5) to make the disclosure required by section 325F.6641.

(b) The certificate of title must also include a separate detachable ~~postcard form~~ entitled "Notice of Sale" that contains, but is not limited to, the vehicle's title number and vehicle identification number. The ~~postcard form~~ must include sufficient space for the owner to record the purchaser's name, address, and driver's license number, if any,

and the date of sale. The notice of sale must include clear instructions regarding the owner's responsibility to complete and return the form, or to transmit the required information electronically in a form acceptable to the commissioner, pursuant to section 168A.10, subdivision 1.

Sec. 28. Minnesota Statutes 2006, section 168A.10, subdivision 1, is amended to read:

Subdivision 1. **Assignment and warranty of title; mileage; notice of sale.** If an owner transfers interest in a vehicle other than by the creation of a security interest, the owner shall at the time of the delivery of the vehicle execute an assignment and warranty of title to the transferee and shall state the actual selling price in the space provided on the certificate. Within ten days of the date of sale, other than a sale by or to a licensed motor vehicle dealer, the owner shall: (1) complete, detach, and return to the department the ~~postcard form~~ on the certificate entitled "Notice of Sale," if one is provided, including the transferee's name, address, and driver's license number, if any, and the date of sale; or (2) transmit this information electronically in a form acceptable to the commissioner. With respect to motor vehicles subject to the provisions of section 325E.15, the transferor shall also, in the space provided therefor on the certificate, state the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage. The transferor shall cause the certificate and assignment to be delivered to the transferee immediately.

Sec. 29. Minnesota Statutes 2006, section 168A.101, is amended to read:

168A.101 CANCELLATION OF MOTOR VEHICLE SALE.

Subdivision 1. **Required documentation.** If the parties cancel a purchase of a motor vehicle after the transfer of interest, they must submit within 90 days of the original purchase date the following items:

- (1) ~~the outstanding certificate of title with proper assignment; and a written claim for refund;~~
- (2) an affidavit correcting ownership signed by the parties; ~~and~~
- (3) ~~the outstanding certificate of title, if available, with proper assignment.~~

Subd. 2. **Refunds.** A party may be eligible for a refund of taxes ~~and fees paid pursuant to chapter 297B~~ only if the items indicated in subdivision 1 are submitted within the 90-day time frame unless otherwise provided by law. No other taxes or fees paid may be refunded due to the cancellation of a motor vehicle sale.

Sec. 30. Minnesota Statutes 2006, section 168A.151, subdivision 1, is amended to read:

Subdivision 1. **Salvage titles.** (a) When an insurer, licensed to conduct business in Minnesota, acquires ownership of a late-model or high-value vehicle through payment of damages, the insurer shall immediately apply for a salvage certificate of title or shall stamp the existing certificate of title with the legend "SALVAGE CERTIFICATE OF TITLE" in a manner prescribed by the department. Within 48 hours of taking possession of a vehicle through payment of damages, an insurer must notify the department in a manner prescribed by the department.

~~(b) Any person who acquires a damaged motor vehicle with an out-of-state title and the cost of repairs exceeds the value of the damaged vehicle or a motor vehicle with an out-of-state salvage title or certificate, as proof of ownership, shall immediately apply for a salvage certificate of title. A person shall immediately apply for a salvage certificate of title if the person acquires a damaged late-model or high-value motor vehicle with an out-of-state title and the vehicle:~~

- (1) is a vehicle that was acquired by an insurer through payment of damages;

(2) is a vehicle for which the cost of repairs exceeds the value of the damaged vehicle; or

(3) has an out-of-state salvage certificate of title as proof of ownership.

(c) A self-insured owner of a late-model or high-value vehicle who sustains damage by collision or other occurrence which exceeds 70 percent of its actual cash value shall immediately apply for a salvage certificate of title. Damage, for the purpose of this calculation, does not include the actual cost incurred to repair, replace, or reinstall inflatable safety restraints and other vehicle components that must be replaced due to the deployment of the inflatable safety restraints.

Sec. 31. Minnesota Statutes 2006, section 168A.153, is amended to read:

168A.153 REPORT OF VEHICLE RECEIPT; ~~SURRENDER OF CERTIFICATE.~~

Subdivision 1. **Older model vehicle.** A dealer who buys an older model vehicle to be dismantled or destroyed shall report to the department within 30 days including the vehicle's license plate number and identification number, and the seller's name and driver's license number.

Subd. 2. **Late-model or high-value vehicle.** A dealer who buys a late-model or high-value vehicle to be dismantled or destroyed shall notify the secured party, if any, and ~~then surrender the certificate of title and a properly completed application for a salvage certificate of title to the department within ten days the commissioner in the manner prescribed in subdivision 3. The dealer must then properly destroy the certificate of title.~~

Subd. 3. **Notification on vehicle to be dismantled or destroyed; service fee.** Within the time frames prescribed in subdivisions 1 and 2 of acquiring a vehicle titled and registered in Minnesota, a dealer shall notify the registrar that the dealership purchased the vehicle to be dismantled or destroyed. The notification must be made electronically as prescribed by the registrar. The dealer may contract this service to a deputy registrar and the registrar may charge a fee not to exceed \$7 per transaction to provide this service.

Sec. 32. Minnesota Statutes 2006, section 168B.04, subdivision 2, is amended to read:

Subd. 2. **Unauthorized vehicles.** (a) Units of government and peace officers may take into custody and impound any unauthorized vehicle under section 169.041.

(b) A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) in a public location not governed by section 169.041:

(i) on a highway and properly tagged by a peace officer, four hours;

(ii) located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; ~~or~~

(iii) located so as to constitute an accident or traffic hazard to the traveling public within the Department of Transportation's eight-county metropolitan district, as determined by an authorized employee of the department's freeway service patrol, immediately; or

(iv) that is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(i) that is single-family or duplex residential property, immediately;

(ii) that is private, nonresidential property, properly posted, immediately;

(iii) that is private, nonresidential property, not posted, 24 hours;

(iv) that is private, nonresidential property of an operator of an establishment for the servicing, repair, or maintenance of motor vehicles, five business days after notifying the vehicle owner by certified mail, return receipt requested, of the property owner's intention to have the vehicle removed from the property; or

(v) that is any residential property, properly posted, immediately.

Sec. 33. Minnesota Statutes 2006, section 169.01, subdivision 4c, is amended to read:

Subd. 4c. **Motorized foot scooter.** "Motorized foot scooter" means a device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has ~~either (1) no more than two ten-inch~~ 12-inch or smaller diameter wheels ~~or (2) and has~~ an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 34. Minnesota Statutes 2006, section 169.01, subdivision 19, is amended to read:

Subd. 19. **Explosives.** "Explosives" ~~means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb~~ has the meaning given in Code of Federal Regulations, title 49, section 173.50.

Sec. 35. Minnesota Statutes 2006, section 169.01, subdivision 20, is amended to read:

Subd. 20. **Flammable liquid.** "Flammable liquid" ~~means any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device~~ has the meaning given in Code of Federal Regulations, title 49, section 173.120.

Sec. 36. Minnesota Statutes 2006, section 169.01, subdivision 78, is amended to read:

Subd. 78. **Recreational vehicle combination.** (a) "Recreational vehicle combination" means a combination of vehicles consisting of a ~~full-size pickup truck as defined in section 168.011, subdivision 29, or a recreational truck-tractor attached by means of a kingpin and fifth-wheel coupling to a camper semitrailer~~ middle vehicle which has hitched to it a trailer ~~carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; all terrain vehicle as defined in section 84.92, subdivision 8; motorized golf cart; or equestrian equipment or supplies.~~

(b) For purposes of this subdivision:

(4) a "kingpin and fifth-wheel coupling" is a coupling between a ~~camper semitrailer~~ middle vehicle and a towing full-size pickup truck or a recreational truck-tractor in which a portion of the weight of the ~~camper semitrailer~~ towed middle vehicle is carried over or forward of the rear axle of the towing pickup.

(2) A "~~camper semitrailer~~" is a trailer, other than a manufactured home as defined in section 327B.01, ~~subdivision 13, designed for human habitation and used for vacation or recreational purposes for limited periods.~~

Sec. 37. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 93. **Full-size pickup truck.** "Full-size pickup truck" means any truck with a manufacturer's nominal rated carrying capacity of one ton or less and commonly known as or resembling a pickup truck.

Sec. 38. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 94. **Recreational truck-tractor.** "Recreational truck-tractor" means a truck-tractor with a gross vehicle weight rating of not more than 24,000 pounds, that is designed exclusively or adapted specifically to tow a semitrailer coupled by means of a fifth-wheel plate and kingpin assembly.

Sec. 39. Minnesota Statutes 2006, section 169.01, is amended by adding a subdivision to read:

Subd. 95. **Valid license; valid driver's license.** "Valid license," "valid driver's license," "valid Minnesota driver's license," "valid standard driver's license," or other similar term, has the meaning given in section 171.01, subdivision 49a.

Sec. 40. Minnesota Statutes 2006, section 169.041, subdivision 1, is amended to read:

Subdivision 1. **Towing authority.** For purposes of this section, "towing authority" means:

(1) any local authority authorized by section 169.04 to enforce the traffic laws, and ~~also includes~~ a private towing company authorized by a local authority ~~to tow vehicles on behalf of that local authority;~~ or

(2) an authorized employee of the Department of Transportation's freeway service patrol within the department's eight-county metropolitan district.

Sec. 41. Minnesota Statutes 2006, section 169.041, subdivision 2, is amended to read:

Subd. 2. **Towing order required.** A towing authority may not tow a motor vehicle from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing. The report must be signed by the officer and the tow driver. Within the Department of Transportation's eight-county metropolitan district, an authorized employee of the department's freeway service patrol may order a tow from a trunk highway after preparing a written towing report provided by the Minnesota State Patrol. A citation need not be issued before the employee orders a tow.

Except in cases where an accident or traffic hazard to the traveling public exists, the department employee shall ensure that if the tower requested to remove the vehicle by the owner arrives before the tower requested by the department, the tower requested by the owner is given the opportunity to actually conduct and complete all towing operations requested.

Sec. 42. Minnesota Statutes 2006, section 169.06, subdivision 5, is amended to read:

Subd. 5. **Traffic-control signal.** (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red, and Yellow shall be used, except for special pedestrian signals carrying a word or legend. The traffic-control signal lights or colored lighted arrows indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(i) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or adjacent crosswalk at the time this signal is exhibited.

(ii) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or other movement as permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(iii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk. Every driver of a vehicle shall yield the right-of-way to such pedestrian, except that the pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the green signal indication is first shown.

(2) Steady yellow indication:

(i) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic must not enter the intersection, except for the continued movement allowed by any green arrow indication simultaneously exhibited.

(ii) Pedestrians facing a circular yellow signal, unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

~~(iii) Vehicular traffic facing a steady yellow arrow signal is thereby warned that the protected vehicular movement permitted by the corresponding prior green arrow indication is being terminated.~~

(3) Steady red indication:

(i) Vehicular traffic facing a circular red signal alone must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except as follows: (A) the driver of a vehicle stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red or stop signal, and with the intention of making a right turn may make the right turn, after stopping, unless an official sign has been erected prohibiting such movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection; or (B) the driver of a vehicle on a one-way street intersecting another one-way street on which traffic moves to the left shall stop in obedience to a red or stop signal and may then make a left turn into the one-way street, unless an official sign has been erected prohibiting the movement, but shall yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection.

(ii) Unless otherwise directed by a pedestrian-control signal as provided in subdivision 6, pedestrians facing a steady red signal alone shall not enter the roadway.

(iii) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, must stop at a clearly marked stop line but, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and must remain standing until a permissive signal indication permitting the movement indicated by the red arrow is displayed, except as follows: when an official sign has been erected permitting a turn on a red arrow signal, the vehicular traffic facing a red arrow signal indication is permitted to enter the intersection to turn right, or to turn left from a one-way street into a one-way street on which traffic moves to the left, after stopping, but must yield the right-of-way to pedestrians and other traffic lawfully proceeding as directed by the signal at that intersection.

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except those which can have no application. Any stop required must be made at a sign or marking on the pavement indicating where the stop must be made, but in the absence of any such sign or marking the stop must be made at the signal.

(c) When a traffic-control signal indication or indications placed to control a certain movement or lane are so identified by placing a sign near the indication or indications, no other traffic-control signal indication or indications within the intersection controls vehicular traffic for that movement or lane.

Sec. 43. Minnesota Statutes 2006, section 169.14, subdivision 2, is amended to read:

Subd. 2. **Speed limits.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

(1) 30 miles per hour in an urban district or on a town road in a rural residential district;

(2) 65 miles per hour on noninterstate expressways, as defined in section 160.02, subdivision 18a, and noninterstate freeways ~~and expressways~~, as defined in section 160.02, subdivision 19;

(3) 55 miles per hour in locations other than those specified in this section;

(4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;

(6) ten miles per hour in alleys; and

(7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway.

(b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.

(c) For purposes of this subdivision, "rural residential district" means the territory contiguous to and including any town road within a subdivision or plat of land that is built up with dwelling houses at intervals of less than 300 feet for a distance of one-quarter mile or more.

(d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established in this subdivision, or a speed limit designated on an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour or more in excess of the applicable speed limit, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

Sec. 44. Minnesota Statutes 2006, section 169.34, is amended to read:

169.34 PROHIBITIONS; STOPPING, PARKING.

Subdivision 1. Prohibitions. (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) on a sidewalk;
- (2) in front of a public or private driveway;
- (3) within an intersection;
- (4) within ten feet of a fire hydrant;
- (5) on a crosswalk;
- (6) within 20 feet of a crosswalk at an intersection;
- (7) within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (8) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (9) within 50 feet of the nearest rail of a railroad crossing;
- (10) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;
- (11) alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance;
- (14) at any place where official signs prohibit stopping.

(b) No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

(c) No person shall, for camping purposes, leave or park a travel trailer on or within the limits of any highway or on any highway right-of-way, except where signs are erected designating the place as a campsite.

(d) No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.

Subd. 2. Violation; penalty for owner or lessee. (a) If a motor vehicle is stopped, standing, or parked in violation of subdivision 1, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for, or pleads guilty to, that violation, or (2) the motor vehicle was stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating subdivision 1.

(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license.

Sec. 45. Minnesota Statutes 2006, section 169.471, is amended to read:

169.471 TELEVISION; HEADPHONES.

Subdivision 1. **Television screen in vehicle.** No television screen shall be installed or used in any motor vehicle where ~~it is~~ images from the screen are visible to the driver while operating the motor vehicle except:

(1) video screens installed in law enforcement vehicles;

(2) closed-circuit video systems used exclusively to aid the driver's visibility to the front, rear, or sides of the vehicle; and

(3) video screens installed as part of a vehicle control system or used in intelligent vehicle highway applications.

Subd. 2. **Use of headphones in vehicle.** (a) No person, while operating a motor vehicle, shall wear headphones or earphones that are used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices.

(b) Paragraph (a) does not prohibit:

(1) the use of a hearing aid device by a person who needs the device; ~~or~~

(2) the use of a communication headset by a firefighter while operating a fire department emergency vehicle in response to an emergency; or

(3) the use of a communication headset by an emergency medical services person while operating an ambulance subject to section 144E.101.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 46. Minnesota Statutes 2006, section 169.781, is amended to read:

169.781 ANNUAL COMMERCIAL VEHICLE INSPECTION; INSPECTORS, FEE, PENALTY.

Subdivision 1. **Definitions.** For purposes of sections 169.781 to 169.783:

(a) "Commercial motor vehicle":

(1) means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) a commercial motor vehicle as defined in section 169.01, subdivision 75, paragraph (a); and (i) has a gross vehicle weight of more than 26,000 pounds;

(2) each (ii) is a vehicle in a combination of more than 26,000 pounds;

(iii) is a bus; or

(iv) is of any size and is used in the transportation of hazardous materials that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185; and

"Commercial motor vehicle"

(2) does not include (4) (i) a school bus or Head Start bus displaying a certificate under section 169.451, (2) or (ii) a bus operated by the Metropolitan Council or by a local transit commission created in chapter 458A, or (3) a motor vehicle that is required to be placarded under Code of Federal Regulations, title 49, parts 100-185.

(b) "Commissioner" means the commissioner of public safety.

(c) "Owner" means a person who owns, or has control, under a lease of more than 30 days' duration, of one or more commercial motor vehicles.

(d) "Storage semitrailer" means a semitrailer that (1) is used exclusively to store property at a location not on a street or highway, (2) does not contain any load when moved on a street or highway, (3) is operated only during daylight hours, and (4) is marked on each side of the semitrailer "storage only" in letters at least six inches high.

(e) "Building mover vehicle" means a vehicle owned or leased by a building mover as defined in section 221.81, subdivision 1, paragraph (a), and used exclusively for moving buildings.

Subd. 2. **Inspection required.** (a) It is unlawful for a person to operate or permit the operation of:

(1) a commercial motor vehicle registered in Minnesota; or

(2) special mobile equipment as defined in section 168.011, subdivision 22, and which is self-propelled, if it is mounted on a commercial motor vehicle chassis,

unless the in violation of the requirements of paragraph (b).

(b) A vehicle displays described in paragraph (a):

~~(1) must display~~ a valid safety inspection decal issued by an inspector certified by the commissioner, ~~or the vehicle carries (1); or~~

(2) must carry (i) proof that the vehicle complies with federal motor vehicle inspection requirements for vehicles in interstate commerce, and ~~(2) (ii)~~ a certificate of compliance with federal requirements issued by the commissioner under subdivision 9.

Subd. 3. **Inspector certification; suspension and revocation; hearing.** (a) An inspection required by this section may be performed only by:

(1) an employee of the Department of Public Safety or Transportation who has been certified by the commissioner after having received training provided by the State Patrol; or

(2) another person who has been certified by the commissioner after having received training provided by the State Patrol or other training approved by the commissioner.

(b) A person who is not an employee of the Department of Public Safety or Transportation may be certified by the commissioner if the person is:

(1) an owner, or employee of the owner, of one or more commercial motor vehicles that are power units;

(2) a dealer licensed under section 168.27 and engaged in the business of buying and selling commercial motor vehicles, or an employee of the dealer; ~~or~~

(3) engaged in the business of repairing and servicing commercial motor vehicles; or

(4) employed by a governmental agency that owns commercial vehicles.

(c) Certification of persons described in paragraph (b), clauses (1) to ~~(3) (4)~~, is effective for two years from the date of certification. The commissioner may require biennial retraining of persons holding a certificate under paragraph (b) as a condition of renewal of the certificate. The commissioner may charge a fee of not more than \$10 for each certificate issued and renewed. A certified person described in paragraph (b), clauses (1) to ~~(3) (4)~~, may charge a reasonable fee for each inspection of a vehicle not owned by the person or the person's employer.

(d) Except as otherwise provided in subdivision 5, the standards adopted by the commissioner for commercial motor vehicle inspections under sections 169.781 to 169.783 ~~shall~~ must be the standards prescribed in Code of Federal Regulations, title 49, section 396.17, and in chapter III, subchapter B, appendix G.

(e) The commissioner may classify types of vehicles for inspection purposes and may issue separate classes of inspector certificates for each class. ~~The commissioner shall issue separate categories of inspector certificates based on the following classifications:~~

~~(1) a class of certificate that authorizes the certificate holder to inspect commercial motor vehicles without regard to ownership or lease; and~~

~~(2) a class of certificate that authorizes the certificate holder to inspect only commercial motor vehicles the certificate holder owns or leases.~~

~~The commissioner shall issue a certificate described in clause (1) only to a person described in paragraph (b), clause (2) or (3).~~

(f) The commissioner, after notice and an opportunity for a hearing, may suspend a certificate issued under paragraph (b) for failure to meet annual certification requirements prescribed by the commissioner or failure to inspect commercial motor vehicles in accordance with inspection procedures established by the State Patrol. The commissioner shall revoke a certificate issued under paragraph (b) if the commissioner determines after notice and an opportunity for a hearing that the certified person issued an inspection decal for a commercial motor vehicle when the person knew or reasonably should have known that the vehicle was in such a state of repair that it would have been declared out of service if inspected by an employee of the State Patrol. Suspension and revocation of certificates under this subdivision are not subject to sections 14.57 to 14.69.

Subd. 4. **Inspection report.** (a) A person performing an inspection under this section shall issue an inspection report to the owner of the commercial motor vehicle inspected. The report must include:

- (1) the full name of the person performing the inspection, and the person's inspector certification number;
 - (2) the name of the owner of the vehicle and, if applicable, the United States Department of Transportation carrier number issued to the owner of the vehicle, or to the operator of the vehicle if other than the owner;
 - (3) the vehicle identification number and, if applicable, the license plate number of the vehicle;
 - (4) the date and location of the inspection;
 - (5) the vehicle components inspected and a description of the findings of the inspection, including identification of the components not in compliance with federal motor carrier safety regulations; and
 - (6) the inspector's certification that the inspection was complete, accurate, and in compliance with the requirements of this section.
- (b) The owner must retain a copy of the inspection report for at least 14 months at a location in the state where the vehicle is domiciled or maintained. The inspector must maintain a copy of the inspection report for a period of 14 months following the inspection in a location in the state where the inspector conducts business. During this period the report must be available for inspection by an authorized federal, state, or local official.
- (c) The commissioner shall prescribe the form of the inspection report and revise it as necessary to comply with state and federal law and regulations. The adoption of the report form is not subject to the Administrative Procedure Act.

Subd. 5. **Inspection decal.** ~~(a)~~ A person inspecting a commercial motor vehicle shall issue an inspection decal for the vehicle if each inspected component of the vehicle complies with federal motor carrier safety regulations. The decal must state that in the month specified on the decal the vehicle was inspected and each inspected component complied with federal motor carrier safety regulations. The decal is valid for 12 months after the month specified on the decal. The commissioners of public safety and transportation shall make decals available, at a fee of not more than \$2 for each decal, to persons certified to perform inspections under subdivision 3, paragraph (b). Decals are issued to inspectors by serial number and are not transferable unless approved by the commissioner.

~~(b) Minnesota inspection decals may be affixed only to:~~

~~(1) commercial motor vehicles bearing Minnesota-based license plates; or~~

~~(2) special mobile equipment, within the meaning of subdivision 2, clause (2).~~

~~(c) Notwithstanding paragraph (a), a person inspecting (1) a vehicle of less than 57,000 pounds gross vehicle weight and registered as a farm truck, (2) a storage semitrailer, or (3) a building mover vehicle must issue an inspection decal to the vehicle unless the vehicle has one or more defects that would result in the vehicle being declared out of service under the North American Uniform Driver, Vehicle, and Hazardous Materials Out of Service Criteria issued by the Federal Highway Administration and the Commercial Vehicle Safety Alliance. A decal issued to a vehicle described in clause (1), (2), or (3) is valid for two years from the date of issuance. A decal issued to such a vehicle must clearly indicate that it is valid for two years from the date of issuance.~~

~~(d) Notwithstanding paragraph (a), a commercial motor vehicle that (1) is registered as a farm truck, (2) is not operated more than 75 miles from the owner's home post office, and (3) was manufactured before 1979 that has a dual transmission system, is not required to comply with a requirement in an inspection standard that requires that the service brake system and parking brake system be separate systems in the motor vehicle.~~

Subd. 6. **Record review; random inspection; audit.** Employees of the State Patrol and motor transportation representatives of the Department of Transportation may review records required to be kept under subdivision 4, paragraph (b), and conduct random vehicle inspections and audits at the facility of an owner of a commercial motor vehicle.

Subd. 7. **Disposition of revenues.** The commissioner shall pay all revenues received under this section to the commissioner of finance for deposit in the trunk highway fund.

Subd. 8. **Violation; misdemeanor.** A violation of this section is a misdemeanor.

Subd. 9. **Proof of federal inspection.** An owner of a commercial motor vehicle that is subject to and in compliance with federal motor vehicle inspection requirements for vehicles in interstate commerce may apply to the commissioner for a certificate of compliance with federal requirements. On payment of a fee equal to the fee for an inspection decal under subdivision 5, ~~paragraph (a)~~, the commissioner shall issue the certificate to the applicant. This subdivision only applies to Minnesota-licensed vehicles that are not housed or maintained in Minnesota.

Subd. 10. **Exemption.** This section does not apply to a vehicle operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, if the vehicle has been inspected under section 221.0252, subdivision 3, paragraph (a), clause (2), within the previous 12 months.

Sec. 47. Minnesota Statutes 2006, section 169.782, subdivision 1, is amended to read:

Subdivision 1. **Driver; daily inspection report.** (a) The driver of a commercial motor vehicle shall report in writing at the completion of each day's work on each commercial motor vehicle the driver has operated. A person who owns one or more commercial motor vehicles and who employs drivers for those commercial motor vehicles must require each driver to submit a written report as required ~~in~~ by this section. The report must cover the following parts and accessories: service brakes, including trailer and semitrailer brake connections; parking (hand) brake; steering mechanism; lighting devices and reflectors; tires; horn; windshield wiper or wipers; rear vision mirror or mirrors; coupling devices; wheels and rims; and emergency equipment.

(b) The report must identify the vehicle and list any defect or deficiency discovered by or reported to the driver that would affect the safe operation of the vehicle or result in its mechanical breakdown. If no defect or deficiency is discovered by or reported to the driver, the report must so indicate. The driver must sign the report after completing it. In the case of a commercial motor vehicle operated by two drivers, the signature of one of the drivers satisfies the requirements of this subdivision if both drivers agree concerning the defects or deficiencies. If a driver operates more than one commercial motor vehicle during a day's work, a report must be prepared for each vehicle operated.

(c) Before operating or allowing the operation of a commercial motor vehicle on which a report has been prepared under this subdivision, the owner of the vehicle or the owner's agent must repair defects or deficiencies listed on the report that would ~~be sufficient under inspection procedures established by the State Patrol to require the vehicle to be declared out of service~~ likely affect the safe operation of the vehicle. Before allowing the commercial motor vehicle to be operated again, the owner or the owner's agent must certify, on the report listing the defect or deficiency, that the defect or deficiency has been corrected or that correction is unnecessary. A motor carrier must keep the original vehicle inspection report for at least three months after the date of inspection. The report must be available for inspection by an authorized federal, state, or local official at any time during this period.

(d) A copy of the vehicle inspection report, including a certification of corrections resulting from the report, must be carried in the commercial motor vehicle, or in the power unit of a commercial motor vehicle combination, at all times when the vehicle or power unit is operated until the next inspection report is completed under this subdivision. The copy must be made available on demand to: (1) a peace officer; (2) a person authorized under section 221.221; and (3) a person described in section 299D.06.

Sec. 48. Minnesota Statutes 2006, section 169.783, subdivision 1, is amended to read:

Subdivision 1. **Postcrash inspection.** (a) A peace officer responding to an accident involving a commercial motor vehicle must immediately notify the State Patrol if the accident results in ~~death, personal injury, or property damage to an apparent extent of more than \$4,400;~~

(1) a fatality;

(2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicles to be transported away from the scene by tow truck or other motor vehicle.

(b) It is a misdemeanor for a person to drive or cause to be driven a commercial motor vehicle after such an accident unless the vehicle:

(1) has been inspected by a state trooper or other person authorized to conduct inspections under section 169.781, subdivision 3, paragraph (a), who is an employee of the Department of Public Safety or Transportation, and the person inspecting the vehicle has determined that the vehicle may safely be operated; or

(2) a waiver has been granted under subdivision 2.

Sec. 49. Minnesota Statutes 2006, section 169.81, subdivision 2, is amended to read:

Subd. 2. **Length of single vehicle; exceptions.** (a) Statewide, no single vehicle may exceed ~~40~~ 45 feet in overall length, including load and front and rear bumpers, except:

~~(1) mobile cranes, which may not exceed 48 feet in overall length;~~

~~(2) buses, which may not exceed 45 feet in overall length; and~~

~~(3) type A, B, or C motor homes as defined in section 168.011, subdivision 25, paragraph (c), which may not exceed 45 feet in overall length.~~

(b) Statewide, no semitrailer may exceed 48 feet in overall length, including bumper and load, but excluding non-cargo-carrying equipment, such as refrigeration units or air compressors, necessary for safe and efficient operation and located on the end of the semitrailer adjacent to the truck-tractor. However, statewide, a single semitrailer may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet.

(c) Statewide, no single trailer may have an overall length exceeding 45 feet, including the tow bar assembly but exclusive of rear bumpers that do not increase the overall length by more than six inches.

(d) For determining compliance with this subdivision, the length of the semitrailer or trailer must be determined separately from the overall length of the combination of vehicles.

(e) No semitrailer or trailer used in a three-vehicle combination may have an overall length in excess of 28-1/2 feet, exclusive of:

(1) non-cargo-carrying accessory equipment, including refrigeration units or air compressors and upper coupler plates, necessary for safe and efficient operation, located on the end of the semitrailer or trailer adjacent to the truck or truck-tractor;

(2) the tow bar assembly; and

(3) lower coupler equipment that is a fixed part of the rear end of the first semitrailer or trailer.

Sec. 50. Minnesota Statutes 2006, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. **Recreational vehicle combination.** Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the full-size pickup truck or recreational truck-tractor is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 70 feet in length;

(3) ~~the middle vehicle in the combination does not exceed 28 feet in length;~~

(4) the operator of the combination is at least 18 years of age;

~~(5) (4) the trailer is only carrying a watercraft, motoreycle, motorized bicyele, off-highway motoreycle, snowmobile, all-terrain vehicle, motorized golf cart, watercraft, motorcycles, motorized bicycles, off-highway motorcycles, snowmobiles, all-terrain vehicles, motorized golf carts, or equestrian equipment or supplies, and meets all requirements of law;~~

~~(6) (5) the trailers vehicles in the combination are connected to the full-size pickup truck or recreational truck-tractor and each other in conformity with section 169.82; and~~

~~(7) (6) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 51. Minnesota Statutes 2006, section 169.823, subdivision 1, is amended to read:

Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(1) where the gross weight on any wheel exceeds 9,000 pounds, except that on paved county state-aid highways, paved county roads, designated local routes, and state trunk highways the gross weight on any single wheel shall not exceed 10,000 pounds unless posted to a lesser weight under section 169.87, subdivision 1;

(2) where the gross weight on any single axle exceeds 18,000 pounds, except that on paved county state-aid highways, paved county roads, designated local routes, and state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds unless posted to a lesser weight under section 169.87, subdivision 1;

(3) where the maximum wheel load:

(i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or

(ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less. ~~This item applies to new vehicles manufactured after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended load, whichever is less, until August 1, 1996. After July 31, 1996, this item applies to all vehicles regardless of date of manufacture;~~

(4) where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart;

(5) where the gross weight on any group of axles exceeds the weights permitted under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Sec. 52. Minnesota Statutes 2006, section 169.824, subdivision 2, is amended to read:

Subd. 2. **Gross vehicle weight of all axles.** (a) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles ~~shall~~ must not exceed:

(1) 80,000 pounds for any vehicle or combination of vehicles on all ~~state~~ (i) trunk highways as defined in section 160.02, subdivision 29, and for all (ii) routes designated under section 169.832, subdivision 11, and (iii) paved nine-ton routes;

(2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph (k); and

(3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than ~~state trunk highways and routes that are designated under section 169.832, subdivision 11, except that a vehicle needing reasonable access to a terminal or facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may not exceed 80,000 pounds. "Terminal" means any location where freight either originates, terminates, or is handled in the transportation process, or where commercial motor carriers maintain operating facilities; and routes identified in clause (1).~~

~~(4) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11.~~

~~(b) The maximum weights specified in this section for five consecutive axles shall not apply to a four axle ready mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this section. Notwithstanding the maximum weight provisions of this section and section 169.85, and in order to promote the reduction of fuel use and emissions because of engine idling, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology must be increased by the amount of weight necessary to compensate for the weight of the idle reduction technology, not to exceed 400 pounds. At the request of an authorized representative of the Department of Transportation or the Department of Public Safety, the vehicle operator shall provide proof that the vehicle is equipped with this technology through documentation or demonstration.~~

Sec. 53. Minnesota Statutes 2006, section 169.8261, is amended to read:

169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.

(a) A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, paper, pulp, oriented strand board, laminated strand lumber, hardboard, treated lumber, untreated lumber, or barrel staves, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that the vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

(3) be equipped and operated with six axles and brakes on all wheels;

(4) not exceed 90,000 pounds gross weight, or ~~98,000~~ 99,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;

(5) not be operated on interstate and defense highways;

(6) obtain an annual permit from the commissioner of transportation;

(7) obey all road postings; and

(8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than 22.5 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 54. Minnesota Statutes 2006, section 169.829, subdivision 2, is amended to read:

Subd. 2. **Tow truck.** Sections 169.822 to 169.828 do not apply to a tow truck or towing vehicle when towing a disabled or damaged vehicle ~~damaged in such manner that the towed vehicle cannot be towed from the rear and,~~ when the movement is temporary urgent, and when the movement is for the purpose of ~~taking~~ removing the disabled vehicle from the roadway to a place of safekeeping or to a place of repair.

Sec. 55. Minnesota Statutes 2006, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fee; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; ~~and~~

(6) noncommercial transportation of a boat by the owner or user of the boat; and

(7) motor vehicles carrying bales of agricultural products authorized under section 169.862.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling; and

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Cost Per Mile For Each Group Of:

Weight (pounds) exceeding weight limitations on axles	Two consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactors vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

(1) the total width of the transporting vehicle, including load, does not exceed 14 feet;

(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;

(3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;

(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and

(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

(j) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

(1) in fiscal years 2005 through 2010:

(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;

(ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:

(A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(B) erection of weight-posting signs on local bridges; and

(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.

(k) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).

Sec. 56. Minnesota Statutes 2006, section 169.86, is amended by adding a subdivision to read:

Subd. 8. **Tow truck.** A tow truck or towing vehicle, when towing a disabled or damaged vehicle to a place of repair or to a place of safekeeping, may exceed the length and weight limitations of this chapter, subject to a \$300 annual permit fee and other conditions the commissioner may prescribe.

Sec. 57. Minnesota Statutes 2006, section 169.862, is amended to read:

169.862 PERMIT FOR WIDE LOAD OF BALED AGRICULTURAL PRODUCT.

Subdivision 1. **Annual permit authority; restrictions.** ~~(a)~~ The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying ~~round~~ bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding ~~14-1/2~~ 12 feet, and a total height of the loaded vehicle not exceeding 14-1/2 feet, to be operated on public streets and highways.

~~(b) The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle, having a maximum width of 102 inches, carrying a first haul of square bales of straw, each bale having a minimum size of four feet by four feet by eight feet, with a total outside width of the load not exceeding 12 feet, to be operated on public streets and highways between August 1 and March 1 within 35 miles of the border between this state and the state of North Dakota.~~

~~(c) The commissioner of transportation and local authorities may issue an annual permit to enable a vehicle carrying square bales of hay, each with an outside dimension of not less than three feet by four feet by seven feet, with a total height of the loaded vehicle not exceeding 15 feet, to be operated on those public streets and highways designated in the permit.~~

Subd. 2. **Additional restrictions.** Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(b) The vehicles may not be operated on interstate highways.

(c) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(e) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

(f) Farm vehicles not for hire carrying round baled hay less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting round baled hay.

~~The fee for the permit is \$24.~~

Sec. 58. Minnesota Statutes 2006, section 169.864, subdivision 1, is amended to read:

Subdivision 1. **Special three-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles, including a truck-tractor and a semitrailer drawing one additional semitrailer, which may be equipped with an auxiliary dolly, and no semitrailer used in the three-vehicle combination has an overall length in excess of 28-1/2 feet;

(2) has a maximum gross vehicle weight of 108,000 pounds;

(3) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;

(4) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less;

(5) is operated only in this state on Trunk Highway marked 2 between Grand Rapids and the port of Duluth; on Trunk Highway marked 169 between Grand Rapids and its junction with Trunk Highway marked 53; on Trunk Highway marked 194 between Trunk Highway marked 2 and Trunk Highway marked 53; and on Trunk Highway marked 53 between Virginia and the port of Duluth; and

(6) the seasonal weight increases authorized under section 169.826, subdivision 1, do not apply.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 59. Minnesota Statutes 2006, section 169.864, subdivision 2, is amended to read:

Subd. 2. **Special two-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet;

(2) has a maximum gross vehicle weight of 90,000 pounds or 97,000 pounds if the truck has seven axles;

(3) has a maximum gross vehicle weight of 98,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;

(4) complies with the axle weight limits in section 169.824 or with the federal bridge formula for axle groups not described in that section;

(5) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less; and

(6) is operated only on the highways specified in subdivision 1, clause (5).

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 60. **[169.865] SPECIAL AGRICULTURAL PRODUCTS PERMITS.**

Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 90,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 4, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of seven axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 97,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and Code of Federal Regulations, title 49, parts 40 and 382.

(c) The fee for a permit issued under this subdivision is \$500.

Subd. 3. **Requirements; restrictions.** (a) A vehicle or combination of vehicles operating under this section:

(1) is subject to axle weight limitations under section 169.824, subdivision 1;

(2) is subject to seasonal load restrictions under section 169.87;

(3) is subject to bridge load limits posted under section 169.84;

(4) may only be operated on trunk highways other than interstate highways, and on local roads designated under section 169.832, subdivision 11;

(5) may not be operated with loads that exceed the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

(6) must be issued a permit from each road authority having jurisdiction over a road on which the vehicle is operated, if required;

(7) must comply with the requirements of section 169.851, subdivision 4; and

(8) must have brakes on all wheels.

(b) The percentage allowances for exceeding gross weights if transporting unfinished forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of unprocessed or raw farm products or unfinished forest products under section 168.013, subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of vehicles operated under this section.

Subd. 4. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued under this section must be deposited:

(1) in fiscal years 2008 through 2011, in the bridge inspection and signing account in the special revenue fund; and

(2) in fiscal year 2012 and subsequent years, in the trunk highway fund.

(b) The revenue in the bridge inspection and signing account under this section is annually appropriated to the commissioner for:

(1) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(2) erection of weight posting signs on local bridges.

Sec. 61. Minnesota Statutes 2006, section 171.01, is amended by adding a subdivision to read:

Subd. 49a. **Valid license; valid driver's license.** "Valid license," "valid driver's license," "valid Minnesota driver's license," "valid standard driver's license," or other similar term, means any operator's license, provisional license, temporary license, limited license, permit, or other license to operate a motor vehicle issued or issuable under the laws of this state by the commissioner, or by another state or jurisdiction if specified, that is:

(1) not expired, suspended, revoked, or canceled; and

(2) not disqualified for the class of vehicle being operated.

Sec. 62. Minnesota Statutes 2006, section 171.02, subdivision 1, is amended to read:

Subdivision 1. **License required; duplicate identification restricted.** (a) Except when expressly exempted, a person shall not drive a motor vehicle upon a street or highway in this state unless the person has a ~~license~~ valid license under this chapter for the type or class of vehicle being driven.

(b) The department shall not issue a driver's license to a person unless and until the person's license from any jurisdiction has been invalidated. The department shall provide to the issuing department of any jurisdiction, information that the licensee is now licensed in Minnesota. A person is not permitted to have more than one valid driver's license at any time. The department shall not issue to a person to whom a current Minnesota identification card has been issued a driver's license, other than a limited license, unless the person's Minnesota identification card has been invalidated. This subdivision does not require invalidation of a tribal identification card as a condition of receiving a driver's license.

Sec. 63. Minnesota Statutes 2006, section 171.06, subdivision 3, is amended to read:

Subd. 3. **Contents of application; other information.** (a) An application must:

(1) state the full name, date of birth, sex, and either (i) the residence address of the applicant, or (ii) the designated address under section 5B.05;

(2) as may be required by the commissioner, contain a description of the applicant and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a social security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant certifies that the applicant does not have a Social Security number;

(4) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b); and

(5) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 64. Minnesota Statutes 2006, section 171.07, subdivision 1, is amended to read:

Subdivision 1. **License; contents.** (a) Upon the payment of the required fee, the department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear a distinguishing number assigned to the licensee; the licensee's full name, and date of birth, ~~and; either (1) the licensee's residence address, or (2) the designated address under section 5B.05; the license class, endorsements, and restrictions imposed, if any;~~ a description of the licensee in a manner as the commissioner deems necessary; and the usual signature of the licensee. No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the license, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(d) The department shall use processes in issuing a license that prohibit, as nearly as possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a photograph or electronically produced image on a license, without ready detection.

(e) A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant.

Sec. 65. Minnesota Statutes 2006, section 171.07, subdivision 3, is amended to read:

Subd. 3. **Identification card; fee.** (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to an individual who has a driver's license, other than a limited license. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name, and date of birth, ~~and; either (1) the licensee's residence address, or (2) the designated address under section 5B.05;~~ a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) If the United States Postal Service will not deliver mail to the applicant's residence address as listed on the Minnesota identification card, then the applicant shall provide verification from the United States Postal Service that mail will not be delivered to the applicant's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the applicant's residence address for all notices and mailings to the applicant.

(c) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(d) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(e) The fee for a Minnesota identification card is 50 cents when issued to a person who is developmentally disabled, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

Sec. 66. Minnesota Statutes 2006, section 171.14, is amended to read:

171.14 CANCELLATION.

(a) ~~The commissioner shall have authority to~~ may cancel any driver's license upon determination that (1) the licensee was not entitled to the issuance thereof hereunder, or that of the license, (2) the licensee failed to give the required or correct information in the application, or (3) the licensee committed any fraud or deceit in making such the application. The commissioner may also cancel the driver's license of any, or (4) the person who, at the time of the cancellation, would not have been entitled to receive a license under the provisions of section 171.04.

(b) The commissioner shall cancel the driver's license of a person described in paragraph (a), clause (3), for 60 days or until the required or correct information has been provided, whichever is longer.

Sec. 67. Minnesota Statutes 2006, section 174.01, subdivision 2, is amended to read:

Subd. 2. **Transportation goals.** The goals of the state transportation system are as follows:

- (1) to provide safe transportation for users throughout the state;
- (2) to provide multimodal and intermodal transportation that enhances mobility and economic development and provides access to all persons and businesses in Minnesota while ensuring that there is no undue burden placed on any community;
- (3) to provide a reasonable travel time for commuters;
- (4) to provide for the economical, efficient, and safe movement of goods to and from markets by rail, highway, and waterway;
- (5) to encourage tourism by providing appropriate transportation to Minnesota facilities designed to attract tourists;
- (6) to provide transit services throughout the state to meet the needs of transit users;
- (7) to promote productivity through system management and the utilization of technological advancements;
- (8) to maximize the long-term benefits received for each state transportation investment;
- (9) to provide funding for transportation that, at a minimum, preserves the transportation infrastructure;
- (10) to ensure that the planning and implementation of all modes of transportation are consistent with the environmental and energy goals of the state;
- (11) to promote and increase the use of high-occupancy vehicle-use vehicles and low-emission vehicles;
- (12) to provide an air transportation system sufficient to encourage economic growth and allow all regions of the state the ability to participate in the global economy;
- (13) to increase transit use ~~in the urban areas statewide~~ by giving highest priority to the transportation modes with the greatest people-moving capacity and lowest long-term economic and environmental cost; and

(14) to promote and increase bicycling as an energy-efficient, nonpolluting, and healthful form of transportation alternative;

(15) to reduce greenhouse gas emissions from the state's transportation sector; and

(16) accomplish these goals with minimal impact on the environment.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 68. Minnesota Statutes 2006, section 174.02, subdivision 1a, is amended to read:

Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) minimize the degradation of air and water quality;

(4) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

~~(4)~~ (5) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

~~(5)~~ (6) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

~~(6)~~ (7) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

~~(7)~~ (8) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 69. Minnesota Statutes 2006, section 174.03, subdivision 1, is amended to read:

Subdivision 1. **Statewide transportation plan; priorities; schedule of expenditures.** In order to best meet the present and future transportation needs of the public, to insure a strong state economy, to make most efficient use of public and private funds, to lessen adverse environmental impacts of the transportation sector, and to promote the more efficient use of energy and other resources for transportation purposes, the commissioner shall:

(1) three months after notification that the department is ready to commence operations and prior to the drafting of the statewide transportation plan, hold public hearings as may be appropriate solely for the purpose of receiving suggestions for future transportation alternatives and priorities for the state. The Metropolitan Council, regional development commissions, and port authorities shall appear at the hearings and submit information concerning transportation-related planning undertaken and accomplished by these agencies. Other political subdivisions may appear and submit such information at the hearings. These hearings shall be completed no later than six months from the date of the commissioner's notification;

(2) develop, adopt, revise, and monitor a statewide transportation plan, taking into account the suggestions and information submitted at the public hearings held pursuant to clause (1). The plan shall incorporate all modes of transportation including bicycle commutation and recreation and provide for the interconnection and coordination of different modes of transportation. The commissioner shall evaluate alternative all transportation programs and facilities proposed for inclusion in the plan in terms of economic costs and benefits, safety aspects, impact on present and planned land uses, environmental effects, energy efficiency, national transportation policies and priorities, and availability of federal and other financial assistance;

(3) based upon the statewide transportation plan, develop statewide transportation priorities and schedule authorized public capital improvements and other authorized public transportation expenditures pursuant to the priorities;

(4) complete the plan and priorities required by this subdivision no later than July 1, 1978. Upon completion of the plan and priorities, the commissioner shall prepare and periodically revise, as necessary, the schedule of authorized public transportation expenditures. The plan, priorities, and schedule are exempt from the provisions of the Administrative Procedure Act.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 70. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision to read:

Subd. 10. Highway construction training. (a) The commissioner of transportation shall utilize the maximum feasible amount of all federal funds available to this state under United States Code, title 23, section 140, paragraph (b), to develop, conduct, and administer highway construction training, including skill improvement programs.

(b) The commissioner of transportation must report by February 1 of each odd-numbered year to the house of representatives and senate committees having jurisdiction over transportation policy and finance concerning the commissioner's compliance with paragraph (a). The report must, with respect to each of the two previous calendar years:

(1) describe the highway construction training and skill improvement programs the commissioner has conducted and administered;

(2) analyze the results of the commissioner's training programs;

(3) state the amount of federal funds available to this state under United States Code, title 23, section 140, paragraph (b); and

(4) identify the amount spent by the commissioner in conducting and administering the programs.

Sec. 71. Minnesota Statutes 2006, section 174.03, is amended by adding a subdivision to read:

Subd. 11. Disadvantaged business enterprise program. (a) The commissioner shall include in each contract that is funded at least in part by federal funds, a sanction for each contractor who does not meet the established project disadvantaged business enterprise goal or demonstrate good faith effort to meet the goal.

(b) The commissioner of transportation shall report by February 1 of each odd-numbered year to the house of representatives and senate committees having jurisdiction over transportation policy and finance concerning the commissioner's disadvantaged business enterprise program. The report must, with respect to each of the two previous calendar years:

(1) state the department's annual overall goal, compared with the percentage attained;

(2) explain the methodology, applicable facts, and public participation used to establish the overall goal;

(3) describe good faith efforts to meet the goal, if the goal was not attained;

(4) describe actions to address overconcentration of disadvantaged business enterprises in certain types of work;

(5) state the number of contracts that included disadvantaged business enterprise goals, the number of contractors that met established disadvantaged business enterprise goals, and sanctions imposed for lack of good faith effort; and

(6) describe contracts with no disadvantaged business enterprise goals, and, of those, state number of contracts and amount of each contract with targeted groups under section 16C.16.

Sec. 72. **[174.185] PAVEMENT LIFE-CYCLE COST ANALYSIS.**

Subdivision 1. **Definitions.** For the purposes of this section, the following definitions apply.

(a) "Life-cycle cost" is the sum of the cost of the initial pavement project and all anticipated costs for maintenance, repair, and resurfacing over the life of the pavement. Anticipated costs must be based on Minnesota's actual or reasonably projected maintenance, repair, and resurfacing schedules, and costs determined by the Department of Transportation district personnel based upon recently awarded local projects and experience with local material costs.

(b) "Life-cycle cost analysis" is a comparison of life-cycle costs among competing paving materials using equal design lives and equal comparison periods.

Subd. 2. **Required analysis.** For each project in the reconditioning, resurfacing, and road repair funding categories, the commissioner shall perform a life-cycle cost analysis and shall document the lowest life-cycle costs and all alternatives considered. The commissioner shall document the chosen pavement strategy and, if the lowest life cycle is not selected, document the justification for the chosen strategy. A life-cycle cost analysis is required for projects to be constructed after July 1, 2011. For projects to be constructed prior to July 1, 2011, when feasible, the department will use its best efforts to perform life-cycle cost analyses.

Subd. 3. **Report.** The commissioner shall report annually to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance beginning on January 1, 2012, the results of the analyses required in subdivision 2.

Sec. 73. Minnesota Statutes 2006, section 174.30, subdivision 4, is amended to read:

Subd. 4. **Vehicle and equipment inspection, rules; decal; complaint contact information.** (a) The commissioner shall inspect or provide for the inspection of vehicles at least annually. In addition to scheduled annual inspections and reinspections scheduled for the purpose of verifying that deficiencies have been corrected, unannounced inspections of any vehicle may be conducted.

(b) On determining that a vehicle or vehicle equipment is in a condition that is likely to cause an accident or breakdown, the commissioner shall require the vehicle to be taken out of service immediately. The commissioner shall require that vehicles and equipment not meeting standards be repaired and brought into conformance with the standards and shall require written evidence of compliance from the operator before allowing the operator to return the vehicle to service.

(c) The commissioner shall provide in the rules procedures for inspecting vehicles, removing unsafe vehicles from service, determining and requiring compliance, and reviewing driver qualifications.

(d) The commissioner shall design a distinctive decal to be issued to special transportation service providers with a current certificate of compliance under this section. A decal is valid for one year from the last day of the month in which it is issued. A person who is subject to the operating standards adopted under this section may not provide special transportation service in a vehicle that does not conspicuously display a decal issued by the commissioner.

(e) Special transportation service providers shall prominently display in each vehicle all contact information for the submission of complaints regarding the transportation services provided to that individual. All vehicles providing service under section 473.386 shall display contact information for the Metropolitan Council. All other special transportation service vehicles shall display contact information for the commissioner of transportation.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 74. Minnesota Statutes 2006, section 174.30, subdivision 9, is amended to read:

Subd. 9. **Complaint data; Complaints; report; data classification.** (a) The commissioner shall investigate all complaints over which the commissioner has jurisdiction regarding special transportation service providers regulated under this section.

(b) By January 15, 2009, and in every subsequent odd-numbered year by January 15, the commissioner shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation policy and finance. The report must identify each complaint investigated by the commissioner under paragraph (a), including, but not limited to, any findings and steps taken for resolution of the complaint.

(c) When information is furnished to the Department of Transportation that alleges a violation of this section, an operating standard adopted under this section, or section 174.315, the following data are classified as confidential data or protected nonpublic data:

- (1) names of complainants;
- (2) complaint letters; and
- (3) other unsolicited data when furnished by a person who is not the subject of the data and who is not a department employee.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 75. **[174.56] REPORT ON MAJOR HIGHWAY PROJECTS.**

Subdivision 1. **Report required.** The commissioner of transportation shall submit a report on January 15, 2009, and on January 15 of each year thereafter, on the status of major highway projects under construction or planned during the year of the report and for the ensuing 15 years. For purposes of this section, a "major highway project" is a highway project that has a total cost for all segments that the commissioner estimates at the time of the report to be at least (1) \$25,000,000 in the metropolitan highway construction district, or (2) \$10,000,000 in any nonmetropolitan highway construction district.

Subd. 2. **Report contents.** For each major highway project the report must include:

(1) a description of the project sufficient to specify its scope and location;

(2) a history of the project, including, but not limited to, previous official actions by the department or the appropriate area transportation partnership, or both, the date on which the project was first included in the state transportation improvement plan, the cost of the project at that time, the dates of environmental approval, the dates of municipal approval, the date of final geometric layout, and the date of establishment of any construction limits;

(3) the project's priority listing or rank within its construction district, if any, as well as the reasons for that listing or rank, the criteria used in prioritization or rank, any changes in that prioritization or rank since the project was first included in a department work plan, and the reasons for those changes; and

(4) past and potential future reasons for delay in letting or completing the project.

Subd. 3. **Department resources.** The commissioner shall prepare and submit the report with existing department staff and resources.

Sec. 76. Minnesota Statutes 2006, section 218.041, subdivision 6, is amended to read:

Subd. 6. **Investigative powers.** In the exercise of powers granted in this chapter, the commissioner may:

(1) subpoena books, papers, or accounts kept by any regulated business within or without the state, or compel production of verified copies;

(2) prepare all forms or blanks for obtaining information that the commissioner may deem necessary or useful for the proper exercise of the authority and duties of the commissioner in connection with regulated businesses, and prescribe the time and manner within which the blanks and forms must be completed and filed;

(3) inspect, at all reasonable times, and copy the books, records, memoranda, correspondence, or other documents and records of any business under the commissioner's jurisdiction; ~~and~~

(4) examine, under oath, any officer, agent, or employee of a business under the commissioner's jurisdiction concerning any matter within the commissioner's jurisdiction; and

(5) assess common carriers, administer the state rail safety inspection account, and perform other duties on behalf of the state rail safety inspector under section 219.015.

Sec. 77. **[219.015] STATE RAIL SAFETY INSPECTOR.**

(a) The commissioner of transportation shall establish a position of state rail safety inspector in the Office of Freight and Commercial Vehicle Operations of the Minnesota Department of Transportation. The commissioner shall apply to the Federal Railroad Administration (FRA) of the United States Department of Transportation to participate in the Federal State Rail Safety Partnership Program for training and certification of an inspector under authority of United States Code, title 49, sections 20103, 20105, 20106, and 20113, and Code of Federal Regulations, title 49, part 212. The state rail safety inspector shall inspect mainline track, secondary track, and yard and industry track; inspect railroad right-of-way, including adjacent or intersecting drainage, culverts, bridges, overhead structures, and traffic and other public crossings; inspect yards and physical plants; review and enforce safety requirements; review maintenance and repair records; and review railroad security measures. To the extent delegated by the commissioner, the inspector may issue citations for violations of this chapter, or to ensure railroad employee and public safety and welfare.

(b) The commissioner shall annually assess railroad companies that are (1) defined as common carriers under section 218.011, (2) classified by federal law or regulation as Class I Railroads or Class I Rail Carriers, and (3) operating in this state, by a division of equal proportion between carriers, assessed in equal amounts for 365 days of the calendar year. The commissioner shall assess all start-up or re-establishment costs, and all related costs of initiating the state rail safety inspector program beginning July 1, 2008. The state rail inspector duties must begin and be assessed on January 1, 2009. The assessments must be deposited in a special account in the special revenue fund, to be known as the state rail safety inspection account. Money in the account is appropriated to the commissioner and may be expended to cover the costs incurred for the establishment and ongoing responsibilities of the state rail safety inspector.

(c) The commissioner may exempt a common carrier not federally classified as Class I from violations for a period of up to two years if the common carrier applies for participation in a work site safety coaching program, such as the "MNSharp" program administered by the Minnesota Department of Labor and Industry, and the commissioner determines such participation to be preferred enforcement for safety or security violations.

(d) Any person aggrieved by an assessment levied under this section may appeal within 90 days any assessment, violation, or administrative penalty to the Office of Administrative Hearings, with further appeal and review by the district court.

Sec. 78. Minnesota Statutes 2006, section 221.031, subdivision 6, is amended to read:

Subd. 6. **Vehicle identification rule.** (a) The following carriers shall display the carrier's name ~~and address~~ on the power unit of each vehicle:

(1) motor carriers, regardless of the weight of the vehicle, except that this requirement does not apply to a limousine as defined in section 168.011, subdivision 35, that is equipped with "LM" license plates;

(2) interstate and intrastate private carriers operating vehicles with a gross vehicle weight of more than 10,000 pounds; and

(3) vehicles providing transportation described in section 221.025 with a gross vehicle weight of more than 10,000 pounds except those providing transportation described in section 221.025, clauses (1), (3), and (4).

Vehicles described in clauses (2) and (3) that are operated by farmers or farm employees and have four or fewer axles are not required to comply with the vehicle identification rule of the commissioner.

(b) Vehicles subject to this subdivision must show the name or "doing business as" name of the carrier operating the vehicle ~~and the community and abbreviation of the state in which the carrier maintains its principal office or in which the vehicle is customarily based.~~ If the carrier operates a leased vehicle, it may show its name and the name of the lessor on the vehicle, if the lease relationship is clearly shown. If the name of a person other than the operating carrier appears on the vehicle, the words "operated by" must immediately precede the name of the carrier.

(c) The name ~~and address~~ must be in letters that contrast sharply in color with the background, be readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and be maintained in a manner that retains the legibility of the markings. The name ~~and address~~ may be shown by use of a removable device if that device meets the identification and legibility requirements of this subdivision.

Sec. 79. Minnesota Statutes 2006, section 221.0314, subdivision 9, is amended to read:

Subd. 9. **Hours of service of driver.** Code of Federal Regulations, title 49, part 395, is incorporated by reference, except that paragraphs (a), (c), (d), (f), (h), (i), (k), ~~(l)~~, (m), and (n) of section 395.1 and section 395.13 of that part are not incorporated. In addition, cross-references to sections or paragraphs not incorporated in this subdivision are not incorporated by reference. The requirements of Code of Federal Regulations, title 49, part 395, do not apply to drivers of lightweight vehicles.

Sec. 80. Minnesota Statutes 2006, section 221.0314, is amended by adding a subdivision to read:

Subd. 12. Hazardous materials safety permits. A person who transports the hazardous materials designated in Code of Federal Regulations, title 49, section 385.403, shall comply with this section and with the provisions of Code of Federal Regulations, title 49, part 385, subpart E, which is incorporated by reference.

Sec. 81. Minnesota Statutes 2006, section 221.033, subdivision 2d, is amended to read:

Subd. 2d. Age of driver under federal materials-of-trade regulation. A driver of a self-propelled or towed motor vehicle transporting no hazardous material other than materials of trade, as defined in Code of Federal Regulations, title 49, section 171.8, when engaged in intrastate transportation, must be at least 18 years of age. This subdivision does not apply unless the transportation conforms to the requirements of Code of Federal Regulations, title 49, section 173.6.

Sec. 82. Minnesota Statutes 2006, section 221.037, subdivision 1, is amended to read:

Subdivision 1. Required to provide information. A person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous materials, hazardous substances, or hazardous waste shall (1) give to transportation representatives and hazardous material specialists of the department information relating to the materials, substances, or waste, or (2) permit them access to and copying of records and safety permits relating to any or all of the materials, substances, or waste, ~~or both.~~

Sec. 83. Minnesota Statutes 2006, section 221.091, subdivision 2, is amended to read:

Subd. 2. Local licensing of small vehicle passenger service. A city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections. A city that has adopted an ordinance complying with this subdivision may enforce the registration requirement in section 221.021. A person who provides small vehicle passenger service to an individual for the purpose of obtaining nonemergency medical care and who receives reimbursement under section 256B.0625, subdivision 17, for providing the service, must comply with the rules of the commissioner adopted under section 174.30.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 84. Minnesota Statutes 2006, section 221.141, subdivision 1, is amended to read:

Subdivision 1. Financial responsibility of carriers. (a) No motor carrier and no interstate carrier shall operate a vehicle until it has obtained and has in effect the minimum amount of financial responsibility required by this section. Policies of insurance, surety bonds, other types of security, and endorsements must be continuously in effect and must remain in effect until canceled. Before providing transportation, the motor carrier or interstate carrier shall secure and cause to be filed with the commissioner and maintain in full effect, a certificate of insurance in a form required by the commissioner, evidencing public liability insurance in the amount prescribed. The insurance must cover injuries and damage to persons or property resulting from the operation or use of motor vehicles, regardless of whether each vehicle is specifically described in the policy. This insurance does not apply to injuries or death to the employees of the motor carrier or to property being transported by the carrier.

(b) Notwithstanding any other provision of this chapter, the insurance required of a motor carrier of passengers must be at least that amount required of interstate carriers under Code of Federal Regulations, title 49, section 387.33, as amended.

(c) This section does not apply to a charitable organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code when the transportation furthers the charitable organization's charitable mission. The charitable organization must comply with the insurance requirements of section 65B.48.

Sec. 85. Minnesota Statutes 2006, section 221.231, is amended to read:

221.231 RECIPROCAL AGREEMENT.

The commissioner may enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, ~~whereby the payment of the fees provided in section 221.60 may be waived in whole or in part for~~ regarding motor carriers having an established place of business in that state or province; provided that reciprocal privileges are extended under the agreement to motor carriers of this state.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 86. Minnesota Statutes 2006, section 221.60, subdivision 1, is amended to read:

Subdivision 1. **Procedure Registration required.** ~~A motor carrier may transport persons or property for hire in interstate commerce in Minnesota only if it first:~~

~~(1) complies with section 221.141;~~

~~(2) either registers with the commissioner the federal operating authority that it intends to exercise, or registers and describes the transportation it performs under an exemption contained in United States Code, title 49; and~~

~~(3) purchases an interstate identification stamp or an interstate registration trip permit for each vehicle to be used in interstate transportation in Minnesota~~ A foreign or domestic motor carrier, motor private carrier, leasing company, broker, or freight forwarder, as defined in United States Code, title 49, section 13102, may operate in interstate commerce in Minnesota only if it first complies with the Unified Carrier Registration Agreement authorized by United States Code, title 49, section 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the rules, regulations, and directives adopted thereunder, including registering with a base state and paying all required fees.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 87. Minnesota Statutes 2006, section 221.60, is amended by adding a subdivision to read:

Subd. 7. **Commissioner's authority.** The commissioner of transportation is authorized to take all necessary actions to enter into the Unified Carrier Registration Agreement in accordance with United States Code, title 49, section 14504a, and shall implement and administer the agreement and the rules and regulations adopted thereunder, including directives of the Unified Carrier Registration Plan board of directors as authorized by United States Code, title 49, section 14504a, subsection (d)(2).

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 88. Minnesota Statutes 2006, section 222.50, subdivision 7, is amended to read:

Subd. 7. **Expenditures.** (a) The commissioner may expend money from the rail service improvement account for the following purposes:

(1) to make transfers as provided under section 222.57 or to pay interest adjustments on loans guaranteed under the state rail user and rail carrier loan guarantee program;

(2) to pay a portion of the costs of capital improvement projects designed to improve rail service ~~including construction or improvement of short segments of rail line such as side track, team track, and connections between existing lines, and construction and improvement of loading, unloading, storage, and transfer facilities~~ of a rail user or a rail carrier;

~~(3) to pay a portion of the costs of rehabilitation projects designed to improve rail service of a rail user or a rail carrier;~~

~~(4)~~ to acquire, maintain, manage, and dispose of railroad right-of-way pursuant to the state rail bank program;

~~(4)~~ (5) to provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track;

~~(5)~~ (6) to pay a portion of the costs of acquiring a rail line by a regional railroad authority established pursuant to chapter 398A;

~~(6)~~ (7) to pay the state matching portion of federal grants for rail-highway grade crossing improvement projects.

(b) All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 89. Minnesota Statutes 2006, section 222.63, subdivision 4, is amended to read:

Subd. 4. **Disposition permitted.** (a) The commissioner may lease any rail line or right-of-way held in the state rail bank or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner.

(b) The commissioner may convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to any other state agency or to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2.

(c) The commissioner may convey a portion of previously acquired rail bank right-of-way to a state agency or governmental subdivision when the commissioner determines that:

(1) the portion to be conveyed is in excess of that needed for the purposes stated in subdivision 2;

(2) the conveyance is upon terms and conditions agreed upon by both the commissioner and the state agency or governmental subdivision;

(3) after the sale, the rail bank corridor will continue to meet the future public and commercial transportation and transmission needs of the state; and

(4) the conveyance will not reduce the width of the rail bank corridor to less than ~~50~~ 100 feet.

(d) The commissioner may lease previously acquired state rail bank right-of-way to a state agency or governmental subdivision or to a private entity for nontransportation purposes when:

(1) the portion to be leased is in excess of that needed for the purposes stated in subdivision 2;

(2) the lease will not reduce the useable width of the rail bank corridor to less than ~~50~~ 100 feet;

(3) the cost of the lease is based on the fair market value of the portion to be leased, as determined by appraisal;

(4) the lease allows the commissioner to terminate the lease on 90 days' written notice to the lessee; and

(5) the lease prohibits the construction or erection of any permanent structure within the ~~50-foot~~ 100-foot rail bank corridor and requires any structure erected on the leased property to be removed and the land restored to its original condition on 90 days' written notice to the lessee.

(e) Proceeds from a sale or lease must be deposited in the rail bank maintenance account described in subdivision 8.

Sec. 90. Minnesota Statutes 2006, section 222.63, is amended by adding a subdivision to read:

Subd. 9. Rail bank property use; petty misdemeanors. (a) Except for the actions of road authorities and their agents, employees, and contractors, and of utilities, in carrying out their duties imposed by permit, law, or contract, and except as otherwise provided in this section, it is unlawful to perform any of the following activities on rail bank property:

(1) obstruct any trail;

(2) deposit snow or ice;

(3) remove or place any earth, gravel, or rock without authorization;

(4) obstruct or remove any ditch-draining device, or drain any harmful or dangerous materials;

(5) erect a fence, or place or maintain any advertising, sign, or memorial;

(6) remove, injure, displace, or destroy right-of-way markers or reference or witness monuments or markers placed to preserve section or quarter-section corners defining rail bank property limits;

(7) drive upon any portion of rail bank property, except at approved crossings, and except where authorized for snowmobiles, emergency vehicles, maintenance vehicles, or other vehicles authorized to use rail bank property;

(8) deface, mar, damage, or tamper with any structure, work, material, sign, marker, paving, guardrail, drain, or any other rail bank appurtenance; or

(9) park, overhang, or abandon any unauthorized vehicle or implement of husbandry on, across, or over the limits of rail bank property.

(b) Unless a greater penalty is provided elsewhere in statute, any violation of this subdivision is a petty misdemeanor.

(c) The cost to remove, repair, or perform any other corrective action necessitated by a violation of this subdivision may be charged to the violator.

Sec. 91. Minnesota Statutes 2006, section 299F.60, subdivision 1, is amended to read:

Subdivision 1. **Money penalty.** Any person who violates any provision of sections 299F.56 to 299F.641, or any rule issued thereunder, ~~shall be~~ is subject to a civil penalty to be imposed by the commissioner not to exceed ~~\$10,000~~ \$100,000 for each ~~such~~ violation for each day that ~~such~~ the violation persists, except that the maximum civil penalty ~~shall~~ must not exceed ~~\$500,000~~ \$1,000,000 for any related series of violations.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to violations committed on or after that date.

Sec. 92. Minnesota Statutes 2006, section 299J.16, subdivision 1, is amended to read:

Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07, subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections, shall forfeit and pay to the state a civil penalty in an amount to be determined by the court, up to ~~\$10,000~~ \$100,000 for each day that the operator remains in violation, subject to a maximum of ~~\$500,000~~ \$1,000,000 for a related series of violations.

(b) The penalty provided under this subdivision may be recovered by an action brought by the attorney general at the request of the commissioner, in the name of the state, in connection with an action to recover expenses of the director under section 299J.13, subdivision 4:

(1) in the District Court of Ramsey County; or

(2) in the county of the defendant's residence.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to violations committed on or after that date.

Sec. 93. Minnesota Statutes 2006, section 325F.665, is amended by adding a subdivision to read:

Subd. 14. Title branding. (a) Upon transfer and application for title of all vehicles subject to this section, the registrar of motor vehicles shall record the term "lemon law vehicle" on the certificate of title and all subsequent certificates of title for that vehicle.

(b) For vehicles with out-of-state titles that bear the term "lemon law vehicle," or any similar term, the registrar of motor vehicles shall record the term "lemon law vehicle" on the first Minnesota certificate of title and all subsequent Minnesota certificates of title issued for that vehicle.

(c) The designation of "lemon law vehicle" on a certificate of title must be made by the registrar of motor vehicles in a clear and conspicuous manner, in a color different from all other writing on the certificate of title.

Sec. 94. Minnesota Statutes 2006, section 473.1466, is amended to read:

473.1466 TRANSPORTATION SYSTEM PERFORMANCE AUDIT; TRANSIT EVALUATION.

(a) In 1997 and every four years thereafter, the council shall provide for an independent entity selected through a request for proposal process conducted nationwide to do Prior to each major revision of the transportation policy plan, the council must carry out a performance audit evaluation of the ~~commuting~~ metropolitan area's transportation system as a whole. The performance audit evaluation must:

(1) evaluate the ~~commuting~~ area's ability to meet the ~~region's needs~~ need for effective and efficient transportation of goods and people;

(2) evaluate ~~future~~ trends and their impacts on the ~~region's~~ area's transportation system, ~~and~~;

(3) assess the ~~region's success in meeting the currently adopted regional transportation benchmarks~~; and

(4) include an evaluation of the regional transit system, including a comparison with peer metropolitan regions with regard to key operating and investment measurements.

(b) The council must update the evaluation of the regional transit system every two years.

(c) The council shall use the results of the performance evaluation to make recommendations for improving the system in each revision of the transportation policy plan. ~~The performance audit must recommend performance-funding measures.~~

~~(b) In 1999 and every four years thereafter, the council must evaluate the performance of the metropolitan transit system's operation in relationship to the regional transit performance standards developed by the council.~~

(d) The council must conduct a peer review of the performance evaluation using at least two nationally recognized transportation and transit consultants.

(e) The council must submit the performance evaluation to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over transportation finance and policy.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to each revision of the transportation policy plan after the 2008 revision.

Sec. 95. Minnesota Statutes 2006, section 473.166, is amended to read:

473.166 CONTROLLED ACCESS; ~~TRANSIT FIXED-GUIDEWAY~~; APPROVAL.

Before acquiring land for or constructing a controlled access highway ~~or transit fixed guideway~~ in the area, the state Transportation Department or local government unit proposing the acquisition or construction shall submit to the council a statement describing the proposed project. The statement must be in the form and detail required by the council. The council shall review the statement to ascertain its consistency with its policy plan and the development guide. No project may be undertaken unless the council determines that it is consistent with the policy plan. This approval is in addition to the requirements of any other statute, ordinance or rule.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 96. Minnesota Statutes 2006, section 473.386, subdivision 1, is amended to read:

Subdivision 1. **Service objectives.** The council shall implement a special transportation service, as defined in section 174.29, in the metropolitan area. The service has the following objectives:

(a) to provide greater access to transportation for the elderly, people with disabilities, and others with special transportation needs in the metropolitan area;

(b) to develop an integrated system of special transportation service providing transportation tailored to meet special individual needs in the most cost-efficient manner; and

(c) to use existing public, private, and private nonprofit providers of service ~~wherever possible when feasible and cost-efficient~~, to supplement rather than replace existing service, and to increase the productivity of all special transportation vehicles available in the area.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 97. Minnesota Statutes 2006, section 473.386, subdivision 2, is amended to read:

Subd. 2. **Service contracts; management; transportation accessibility advisory committee.** (a) The council may contract for services necessary for the provision of special transportation. Transportation service provided under a contract must specify the service to be provided, the standards that must be met, and the rates for operating and providing special transportation services.

(b) The council shall establish management policies for the service and may contract with a service administrator for day-to-day administration and management of the service. Any contract must delegate to the service administrator clear authority to administer and manage the delivery of the service pursuant to council management policies and must establish performance and compliance standards for the service administrator. The council may provide directly day to day administration and management of the service and may own or lease vehicles used to provide the service.

(c) The council shall ensure that the service administrator establishes a system for registering and expeditiously responding to complaints by users, informing users of how to register complaints, and requiring providers to report on incidents that impair the safety and well-being of users or the quality of the service.

~~(d) The council shall annually report to the commissioner of transportation and the legislature on complaints and provider reports, the response of the service administrator, and steps taken by the council and the service administrator to identify causes and provide remedies to recurring problems on its special transportation services as part of the program evaluation provided for in section 473.13, subdivision 1a.~~

~~(d) Each year before renewing contracts with providers and the service administrator, the council shall provide an opportunity for the transportation accessibility advisory committee, users, and other interested persons to testify before the council concerning providers, contract terms, and other matters relating to council policies and procedures for implementing the service.~~

(e) The council shall provide, on an annual basis, an opportunity for users and other interested persons to provide testimony to the council concerning services provided under this section.

(f) The council shall establish a Transportation Accessibility Advisory Committee consisting of 15 members and a chair to advise the council on management policies for the council's special transportation service. The Transportation Accessibility Advisory Committee must include elderly and disabled persons, other users of special transportation service, ~~representatives of persons contracting to provide special transportation services,~~ and representatives of appropriate agencies for elderly and disabled persons ~~to advise the council on management policies for the service.~~ At least half the Transportation Accessibility Advisory Committee members must be ~~disabled or elderly persons or the representatives of disabled or elderly persons~~ who are both ADA-certified and users of public transit in the metropolitan area. Two of the appointments to the Transportation Accessibility Advisory Committee shall be made by the Council on Disability in consultation with the chair of the Metropolitan Council.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 98. Minnesota Statutes 2006, section 473.386, subdivision 2a, is amended to read:

Subd. 2a. **Eligibility application and verification; penalty for fraudulent certification.** If the council requires a person to be certified as eligible for special transportation services, an applicant for certification must submit an application form and the applicant's eligibility must be verified by a type of professional specified by the council. The council shall include the notice of penalty for fraudulent certification, and require the person certifying the applicant to sign the eligibility certification form and the applicant to sign the application form, as provided in section 174.295.;

(1) require the applicant to sign the application form and certify that the application information is accurate; and

(2) require the person verifying the applicant's eligibility to sign the eligibility verification form and certify that the verifying information is accurate.

The penalty provided for in section 174.295, subdivision 4, applies to the certifications by the applicant and the person verifying the applicant's eligibility. The council must include a notice of the penalty for fraudulent certification in the application form and the eligibility verification form.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 99. Minnesota Statutes 2006, section 473.386, subdivision 3, is amended to read:

Subd. 3. **Duties of council.** In implementing the special transportation service, the council shall:

(a) encourage participation in the service by public, private, and private nonprofit providers of special transportation currently receiving capital or operating assistance from a public agency;

(b) when feasible and cost-efficient, contract with public, private, and private nonprofit providers that have demonstrated their ability to effectively provide service at a reasonable cost;

(c) encourage individuals using special transportation to use the type of service most appropriate to their particular needs;

~~(d) ensure that all persons providing special transportation service receive equitable treatment in the allocation of the ridership;~~

~~(e)~~ encourage shared rides to the greatest extent practicable;

~~(f)~~ (e) encourage public agencies that provide transportation to eligible individuals as a component of human services and educational programs to coordinate with this service and to allow reimbursement for transportation provided through the service at rates that reflect the public cost of providing that transportation;

~~(g)~~ (f) establish criteria to be used in determining individual eligibility for special transportation services;

~~(h)~~ (g) consult with the Transportation Accessibility Advisory Committee in a timely manner before changes are made in the provision of special transportation services, ~~including, but not limited to, changes in policies affecting the matters subject to hearing under subdivision 2;~~

~~(i)~~ (h) provide for effective administration and enforcement of council policies and standards;

~~(j) annually evaluate providers of special transportation service to ensure compliance with the standards established for the program; and~~

~~(i)~~ (i) ensure that, taken as a whole including contracts with public, private, and private nonprofit providers, the geographic coverage area of the special transportation service is continuous within the boundaries of the transit taxing district, as defined as of March 1, 2006, in section 473.446, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 100. Minnesota Statutes 2006, section 473.399, is amended to read:

473.399 TRANSIT WAYS; LIGHT RAIL TRANSIT AND COMMUTER RAIL PLANNING IN THE METROPOLITAN AREA.

Subdivision 1. **General requirements.** (a) The council must identify in its transportation policy plan those heavily traveled corridors where development of a transit way may be feasible and cost-effective. Modes of providing service in a transit way may include bus rapid transit, light rail transit, commuter rail, or other available systems or technologies that improve transit service.

(b) After the completion of environmental studies and receipt of input from the governing body of each statutory and home rule charter city, county, and town in which a transit way is proposed to be constructed, the council must designate the locally preferred alternative transit mode with respect to the corridor.

(c) ~~The council shall adopt a plan to ensure that any light rail transit facilities that are designated as the locally preferred alternative and that are to be constructed in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner in coordination with buses and other transportation modes and facilities. The plan may be developed and adopted in phases corresponding to phasing of construction of light rail. The council may incorporate into its plan appropriate elements of the plans of regional railroad authorities in order to avoid duplication of effort.~~

~~(b) The light rail transit plan or first phase of the plan required by this section must be adopted by the council before the commissioner of transportation may begin~~

~~(d) Construction of light rail transit facilities in a particular transit corridor may not commence unless and until that mode is designated as the locally preferred alternative for that corridor by the council. Following adoption of the plan, the commissioner of transportation shall act in conformity with the plan. The commissioner shall prepare or amend the final design plans as necessary to make the plans consistent with the light rail transit plan.~~

~~(c) Throughout the development and implementation of the plan, the council shall contract for or otherwise obtain engineering services to assure that the plan adequately addresses the technical aspects of light rail transit.~~

Subd. 1a. **Integrated transportation system.** The commissioner of transportation and the Metropolitan Council shall ensure that the light rail transit and commuter rail facilities are planned, designed, and implemented: (1) to move commuters and transit users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail transit lines will interface with each other and other transportation facilities and services so as to provide a unified, integrated, and efficient multimodal transportation system.

Subd. 4. **Expenditure of state funds.** No state funds may be expended by the Metropolitan Council to study a particular light rail transit or commuter rail facility unless the funds are appropriated in legislation that identifies the route, including the origin and destination.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 101. Minnesota Statutes 2006, section 473.3993, subdivision 1, is amended to read:

Subdivision 1. **Application.** The definitions in this section apply to ~~section 473.3994~~ sections 473.3993 to 473.3997.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 102. Minnesota Statutes 2006, section 473.3993, subdivision 3, is amended to read:

Subd. 3. **Final design plan.** "Final design plan" means a light rail transit plan that includes the items in the preliminary design plan and the preliminary engineering plan for the facilities proposed but with greater detail and specificity needed for construction. The final design plan must include, at a minimum:

(1) final plans for the physical design of facilities, including the right-of-way definition; environmental impacts and mitigation measures; intermodal coordination with bus operations and routes; and civil engineering plans for vehicles, track, stations, parking, and access, including disability access; and

(2) final plans for civil engineering for electrification, communication, and other similar facilities; operational rules, procedures, and strategies; capital costs; ridership; operating costs and revenues, and sources of funds for operating subsidies; financing for construction and operation; an implementation method; and other similar matters.

The final design plan must be stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities. If a design-build implementation method is proposed, instead of civil engineering plans the final design plan must state detailed design criteria and performance standards for the facilities.

~~The commissioner of transportation may use a design-build method of project development and construction for light rail transit. Notwithstanding any law to the contrary, the commissioner may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 103. Minnesota Statutes 2006, section 473.3993, is amended by adding a subdivision to read:

Subd. 4. **Responsible authority.** "Responsible authority" means either the Metropolitan Council or the state of Minnesota acting through the commissioner of transportation, as designated by the governor under section 473.3994, subdivision 1a, for a particular light rail transit facility.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 104. Minnesota Statutes 2006, section 473.3994, is amended to read:

473.3994 LIGHT RAIL TRANSIT; DESIGN PLANS.

Subd. 1a. **Designation of responsible authority.** For each proposed light rail transit facility in the metropolitan area, the governor must designate either the Metropolitan Council or the state of Minnesota acting through the commissioner of transportation as the entity responsible for planning, designing, acquiring, constructing, and equipping the facility. Notwithstanding such designation, the commissioner and the council may enter into one or more cooperative agreements with respect to the planning, designing, acquiring, constructing, or equipping of a particular light rail transit facility that provide for the parties to exercise their respective authorities in support of the project in a manner that best serves the project and the public.

Subd. 2. **Preliminary design plans; public hearing.** Before final design plans are prepared for a light rail transit facility ~~in the metropolitan area~~, the ~~commissioner of transportation~~ responsible authority and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must hold a public hearing on the physical design component of the preliminary design plans. The ~~commissioner of transportation~~ responsible authority and the regional railroad authority or authorities in whose jurisdiction the line or lines are located must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing. The ~~commissioner~~ responsible authority shall summarize the proceedings and testimony and maintain the record of a hearing held under this section, including any written statements submitted.

Subd. 3. **Preliminary design plans; local approval.** (a) At least 30 days before the hearing under subdivision 2, the ~~commissioner of transportation~~ responsible authority shall submit the physical design component of the preliminary design plans to the governing body of each statutory and home rule charter city, county, and town in which the route is proposed to be located. The city, county, or town shall hold a public hearing. Within 45 days after the hearing under subdivision 2, the city, county, or town shall review and approve or disapprove the plans for the route to be located in the city, county, or town. A local unit of government that disapproves the plans shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the plans in writing within 45 days after the hearing is deemed to be approval, unless an extension of time is agreed to by the city, county, or town and the ~~commissioner of transportation~~ responsible authority.

Subd. 4. **Preliminary design plans; council referral.** If the governing body of one or more cities, counties, or towns disapproves the preliminary design plans within the period allowed under subdivision 3, the ~~commissioner of transportation~~ may refer the plans, along with any comments of local jurisdictions, to the Metropolitan Council. The council shall hold a hearing on the plans, giving the commissioner of transportation, ~~if the responsible authority~~, any disapproving local governmental units, and other persons an opportunity to present their views on the plans. The council may conduct independent study as it deems desirable and may mediate and attempt to resolve disagreements about the plans. Within ~~90~~ 60 days after the ~~referral hearing~~, the council shall review the plans ~~submitted by the commissioner of transportation and the council~~ and shall decide what amendments to the plans, if any, must be made to accommodate the objections presented by the disapproving local governmental units. ~~The commissioner shall make the~~ Amendments to the plans as decided by the council must be made before continuing the planning and designing process.

Subd. 5. **Final design plans.** (a) If the final design plans incorporate a substantial change from the preliminary design plans with respect to location, length, or termini of routes; general dimension, elevation, or alignment of routes and crossings; location of tracks above ground, below ground, or at ground level; or station locations, before beginning construction, the ~~commissioner~~ responsible authority shall submit the changed component of the final design plans to the governing body of each statutory and home rule city, county, and town in which the changed component is proposed to be located. Within 60 days after the submission of the plans, the city, county, or town shall review and approve or disapprove the changed component located in the city, county, or town. A local unit of government that disapproves the change shall describe specific amendments to the plans that, if adopted, would cause the local unit to withdraw its disapproval. Failure to approve or disapprove the changed plans in writing within the time period is deemed to be approval, unless an extension is agreed to by the city, county, or town and the ~~commissioner~~ responsible authority.

(b) If the governing body of one or more cities, counties, or towns disapproves the changed plans within the period allowed under paragraph (a), the ~~commissioner may refer the plans, along with any comments of local jurisdictions, to the Metropolitan Council.~~ The council shall review the final design plans under the same procedure and with the same effect as provided in subdivision 4 for preliminary design plans.

Subd. 7. **Council review.** If the commissioner is the responsible authority, before proceeding with construction of a light rail transit facility, the commissioner must submit preliminary and final design plans to the Metropolitan Council. The council must review the plans for consistency with the council's development guide and approve the plans.

Subd. 8. **Metropolitan significance.** This section does not diminish or replace the authority of the council under section 473.173.

Subd. 9. **Light rail transit operating costs.** (a) Before submitting an application for federal assistance for light rail transit facilities in the metropolitan area, the ~~applicant must provide to the~~ Metropolitan Council ~~estimates must~~ prepare an estimate of the amount of operating subsidy which will be required to operate light rail transit in the corridor to which the federal assistance would be applied. The ~~information provided to the council~~ estimate must indicate the amount of operating subsidy estimated to be required in each of the first ten years of operation of the light rail transit facility. If the commissioner of transportation is the responsible authority, the commissioner must provide information requested by the council that is necessary to make the estimate.

(b) The council must review and evaluate the ~~information provided~~ estimate developed under paragraph (a) with regard to the effect of operating the light rail transit facility on the currently available mechanisms for financing transit in the metropolitan area.

Subd. 10. **Corridor Management Committee.** The responsible authority must establish a Corridor Management Committee ~~shall be established~~ to advise the ~~commissioner of transportation~~ responsible authority in the design and construction of light rail transit in each corridor to be constructed. The Corridor Management Committee for each corridor shall consist of the following members:

- (1) one member appointed by each city and county in which the corridor is located;
- (2) the commissioner of transportation or a designee of the commissioner;
- (3) two members appointed by the Metropolitan Council, one of whom shall be designated as the chair of the committee;
- (4) one member appointed by the Metropolitan Airports Commission, if the designated corridor provides direct service to the Minneapolis-St. Paul International Airport; and
- (5) one member appointed by the president of the University of Minnesota, if the designated corridor provides direct service to the university.

The Corridor Management Committee shall advise the ~~commissioner of transportation~~ responsible authority on issues relating to ~~the alternatives analysis~~, environmental review, preliminary design, preliminary engineering, final design, implementation method, and construction of light rail transit in the corridor.

Subd. 13. **Dispute resolution.** In the event of a dispute between any of the parties arising from the parties' respective authority and responsibility under this section, the dispute shall be submitted to the Metropolitan Council for final resolution by any party to the dispute. The Metropolitan Council shall establish ~~by July 1, 1993,~~ a process to ensure a prompt and speedy resolution of the dispute. This process shall allow the parties to provide evidence and testimony in support of their positions.

Subd. 14. **Transfer of facility after construction.** If the commissioner of transportation is the responsible authority for a particular light rail transit facility, the commissioner must transfer to the Metropolitan Council all facilities constructed and all equipment and property acquired in developing the facility upon completion of construction.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 105. [473.3995] LIGHT RAIL TRANSIT; DESIGN-BUILD METHOD.

(a) A responsible authority may use a design-build method of project development and construction for light rail transit. Notwithstanding any law to the contrary, a responsible authority may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together.

(b) If a responsible authority utilizes a design-build method of project development and construction for light rail transit, the requirements and procedures in sections 161.3410 to 161.3426 apply to the procurement, subject to the following conditions and exceptions:

(1) if the Metropolitan Council is the responsible authority for a particular light rail transit project, when used in sections 161.3410 to 161.3426, (i) the terms "commissioner," "Minnesota Department of Transportation," "department," "state agencies," and "road authority" refer to the Metropolitan Council, and (ii) the term "state" refers to the Metropolitan Council except in references to state law or in references to the state as a geographical location;

(2) the provisions of section 161.3412, subdivisions 3 and 4, are not applicable to the procurement; and

(3) if any federal funds are used in developing or constructing the light rail transit project, any provisions in sections 161.3410 to 161.3426 that are inconsistent with, or prohibited by, any federal law, regulation, or other requirement are not applicable to the procurement.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 106. Minnesota Statutes 2006, section 473.3997, is amended to read:

473.3997 FEDERAL FUNDING; LIGHT RAIL TRANSIT.

(a) Upon completion of the alternatives analysis and draft environmental impact statement, and selection of the locally preferred alternative, for the central corridor transit improvement project each light rail transit facility, the council, the commissioner of transportation, and the affected regional rail authorities responsible authority may prepare a joint an application for federal assistance for the light rail transit facilities in the metropolitan area facility. If the commissioner is the responsible authority, the application must be reviewed and approved by the Metropolitan Council before it is submitted by the council and the commissioner. In reviewing the application the council must consider the information submitted to it operating cost estimate developed under section 473.3994, subdivision 9.

(b) ~~Until the application described in paragraph (a) is submitted~~ Except for the designated responsible authority for a particular light rail transit facility, no political subdivision in the metropolitan area may on its own apply for federal assistance for light rail transit planning or construction.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 107. [473.3999] LIGHT RAIL TRANSIT CONSTRUCTION IN METROPOLITAN AREA; COUNCIL AUTHORITY.

The Metropolitan Council may exercise the powers granted in this chapter and in other applicable law, as necessary, to plan, design, acquire, construct, and equip light rail transit facilities in the metropolitan area as defined in section 473.121, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 108. Minnesota Statutes 2006, section 473.4051, is amended to read:

473.4051 LIGHT RAIL TRANSIT OPERATION.

The council shall operate all light rail transit facilities and services located in the metropolitan area upon completion of construction of the facilities and the commencement of revenue service using the facilities. ~~The commissioner of transportation and the~~ council may not allow the commencement of revenue service until after an appropriate period of acceptance testing to ensure safe and satisfactory performance. In assuming the operation of the system, the council must comply with section 473.415. The council shall coordinate operation of the light rail transit system with bus service to avoid duplication of service on a route served by light rail transit and to ensure the widest possible access to light rail transit lines in both suburban and urban areas by means of a feeder bus system.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 109. Minnesota Statutes 2006, section 473.407, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** The council may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known as the Metropolitan Transit Police, to police its transit property and routes, to carry out investigations, and to make arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is limited to offenses relating to council transit property, equipment, employees, and passengers. The jurisdiction of the Metropolitan Transit Police shall include traffic lanes designed for bus or transit use, freeway or expressway shoulders in the seven-county metropolitan area used by authorized transit buses and metro mobility buses under section 169.306, and high-occupancy vehicle lanes used by transit buses. Upon request from, or under an agreement with, any law enforcement agency and subject to the availability of its personnel and other resources, the Metropolitan Transit Police may exercise general law enforcement agency authority to assist any law enforcement agency in implementing or carrying out law enforcement activities, programs, or initiatives. If the commissioner of transportation contracts with the Metropolitan Council for operation of commuter rail facilities under section 174.90, the jurisdiction of the Metropolitan Transit Police extends to offenses relating to the operation, property, facilities, equipment, employees, and passengers of the commuter rail facilities located in and outside of the metropolitan area.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 110. Minnesota Statutes 2006, section 473.408, is amended by adding a subdivision to read:

Subd. 8. **Charitable organization discount passes.** The council may offer passes, including tokens, for regular route bus service for sale to charitable organizations, described in section 501(c)(3) of the Internal Revenue Code, at a special discount.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 111. Minnesota Statutes 2006, section 473.408, is amended by adding a subdivision to read:

Subd. 9. **Youth discount passes.** (a) The council may offer passes, including tokens, for regular route bus service to charitable organizations, described in section 501(c)(3) of the Internal Revenue Code, free of charge. Any passes provided under this subdivision must be:

(1) distributed to and used solely by a person who is under 16 years of age; and

(2) restricted to use on a bus that is not operating at full capacity at the time of use of the bus pass.

(b) The council may establish additional requirements and terms of use of the passes, including but not limited to charging a fee to the charitable organization for any printing or production costs, restricting times of bus pass use to certain or nonpeak hours of operation, and establishing oversight and auditing of the charitable organization with regard to bus pass distribution and use.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 112. Minnesota Statutes 2006, section 609.531, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the Bureau of Criminal Apprehension, the Minnesota Division of Driver and Vehicle Services, the Minnesota State Patrol, a county sheriff's department, the Three Rivers Park District park rangers, the Department of Natural Resources Division of Enforcement, the University of Minnesota Police Department, the Department of Corrections' Fugitive Apprehension Unit, or a city, metropolitan transit, or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for driver's license or identification card transactions: any violation of section 171.22; and

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282; 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 113. Laws 2005, First Special Session chapter 1, article 4, section 39, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective ~~the latter of August 1, 2006, or the date on which the commissioner determines that building permits have been issued for the construction of a new pulp and paper manufacturing facility at Grand Rapids~~ on the effective date of 2007 House File 1351, article 1, sections 58 and 59, as amended.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 114. Laws 2008, chapter 152, article 6, section 7, is amended to read:

Sec. 7. **[398A.10] TRANSIT FUNDING.**

Subdivision 1. **Capital costs.** A county regional railroad authority may not contribute more than ten percent of the capital costs of a light rail transit or commuter rail project. This subdivision does not apply to a light rail transit project for which a county regional railroad authority commits to providing an amount greater than ten percent of the capital costs, if the commitment (1) is made before October 2, 2008, (2) is made as part of an application for federal funds, and (3) is adjusted by the county regional railroad authority to meet the requirements of this subdivision as part of the next scheduled federal funding application for the project.

Subd. 2. **Operating and maintenance costs.** A county regional railroad authority may not contribute any funds to pay the operating and maintenance costs for a light rail transit or commuter rail project. If a county regional railroad authority is contributing funds for operating and maintenance costs on a light rail transit or commuter rail project on the date of the enactment of this act, the authority may continue to contribute funds for these purposes until January 1, 2009.

Subd. 3. **Application.** This section only applies ~~if~~ to a county that has imposed the metropolitan transportation sales and use tax under section 297A.992.

EFFECTIVE DATE. ~~This section is effective the day after the metropolitan transportation area sales tax is imposed under Minnesota Statutes, section 297A.992, subdivision 2.~~ This section is effective July 1, 2008.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 115. **LEGISLATIVE INTENT CONCERNING TRUCK WEIGHT INCREASES.**

It is the intent of the legislature to study, during the 2010 legislative session, the effects of the sections in this chapter that increase allowable size, weight, or load limits on state or local roads or bridges, and to modify statutes as necessary to achieve the goals of promoting mobility while protecting infrastructure.

Sec. 116. **CULKIN SAFETY REST AREA.**

The commissioner of transportation shall reopen without delay the Culkin safety rest area, located on marked Interstate Highway 35.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 117. **REAL ID.**

(a) The commissioner of public safety may not expend any state funds to implement or comply with the Real ID Act of 2005, Public Law 109-13, unless:

(1) the implementation or compliance with the Real ID Act is in all respects consistent with the requirements of paragraph (b); and

(2) federal funds are appropriated by Congress and designated for the state of Minnesota and are:

(i) appropriated to fund the implementation of Real ID Act in this state; and

(ii) in amounts sufficient to fund 95 percent of the costs of the state implementing or complying with the Real ID Act of 2005.

(b) Before issuing a driver's license or state identification card that complies with the requirements of the Real ID Act of 2005, Public Law 109-13, and before storing or including data about Minnesota state residents in any database, records facility, or computer system that meets the requirements of the Real ID Act of 2005, the Department of Public Safety shall certify to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation policy and finance that the driver's license, state identification card, database, records facility, computer system, and the department's personnel screening and training procedures:

(1) include reasonable security measures to protect the privacy of Minnesota state residents;

(2) include reasonable safeguards to protect against unauthorized disclosure of data; and

(3) do not place unreasonable costs or record-keeping burdens on driver's license or state identification card applicants.

(c) Nothing in this section prevents the commissioner from enhancing the security features of Minnesota's driver's licenses or state identification cards.

Sec. 118. **CREDIT CARD PAYMENT STUDY; PROPOSAL.**

(a) By February 1, 2009, the commissioner of public safety shall submit a proposal to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance. The proposal must identify a method that allows the Department of Public Safety, its deputy registrars, and driver's license agents to collect by credit or debit card, motor vehicle registration taxes under Minnesota Statutes, section 168.013; motor vehicle certificates of title and related document fees under Minnesota Statutes, section 168A.29; motor vehicle sales tax under Minnesota Statutes, sections 297B.02 and 297B.025; and driver's license and Minnesota identification card fees under Minnesota Statutes, section 171.06.

(b) The proposal must identify the total estimated statewide cost of the processing fees paid to either a vendor, financial institution, or credit card company. The proposal must consider options to finance the acceptance fees through either (1) state fee increases necessary to finance (i) the costs of credit and debit card processing fees paid to a processing vendor, (ii) the administrative costs of the department to implement the acceptance of credit and debit cards, including hardware and software costs of the department, its deputy registrars, and agents, and (iii) associated ongoing administrative cost increases, or (2) an agreement with a vendor that allows the addition of a convenience fee to each transaction to be paid directly by customers who choose to utilize credit or debit cards.

(c) The commissioner of public safety, with the assistance of the commissioners of finance and administration, shall develop a request for proposals from vendors, to be issued by January 1, 2010, to implement the acceptance of credit and debit payments by the Department of Public Safety, its deputy registrars, and agents. The department shall consult deputy registrars and driver's license agents in developing the request for proposals.

Sec. 119. **STUDY OF TRANSPORTATION LONG-RANGE SOLUTIONS.**

(a) The commissioner of transportation shall conduct a study in consultation with other state agencies and key stakeholders to evaluate the current and long-range needs of the state's transportation system, and investigate possible strategies to meet these needs.

(b) The study must include, but is not limited to:

(1) evaluation of the current needs of the state's highway systems, bridges, and transit;

(2) analysis and quantification of the needs for the next 20 years of the state's highway systems, bridges, and transit;

(3) comparison of estimates of revenues raised by current transportation funding sources, with long-term needs of the state's transportation system;

(4) identification of options for maintenance and improvement of the state's transportation system with specific reference to the effects of potential increases in vehicle fuel economy, availability of alternative modes of transportation, and extreme fuel price volatility on future transportation revenues;

(5) analysis of alternative pricing options utilized in other states and countries, and their potential for use, public acceptance, alleviation of congestion, and revenue generation in this state; and

(6) identification of options for road-use pricing, other alternative financing mechanisms with particular consideration of key environmental impacts such as air quality, water quality, and greenhouse gas emissions, and estimates of implementation costs, user costs, and revenue.

(c) The commissioner shall report the results of the study to the legislature no later than November 1, 2009.

Sec. 120. **STUDY AND REPORT ON SPEED LIMITS.**

The commissioner of transportation shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation and local government by January 30, 2009, on speed limits on local roads. The commissioner shall consult with local governments and solicit input from local governments before issuing the report. The report must include, at a minimum:

(1) whether the current statutory speed limit of 30 miles per hour in urban districts and rural residential districts is appropriate, or if there are locations where the appropriate speed limit is 25 miles per hour;

(2) whether the current statutory speed limit of 55 miles per hour in rural residential districts within a city is appropriate, or if there are locations where the appropriate speed limit is 30 miles per hour; and

(3) whether the current definitions of urban district, rural residential district, and residential roadway are appropriate, or whether and how they should be changed.

Sec. 121. **RAIL TRANSIT FEASIBILITY STUDY.**

The Metropolitan Council may conduct a study of the feasibility of the use of light rail or commuter rail transit in a corridor aligned on marked Interstate Highway 394 or between marked Interstate Highway 394 and marked Trunk Highway 55, from downtown Minneapolis to Ridgedale Drive in Minnetonka, with the alternative of extending to Wayzata. The study must include consideration of the feasibility of combining the Southwest Rail Transit Corridor with the Interstate Highway 394 Corridor between downtown Minneapolis and a point of divergence west of downtown. The Metropolitan Council may hire a consultant to assist in the study and report.

Sec. 122. **REPORT ON INTERNET-BASED DRIVER EDUCATION.**

The commissioner of public safety shall submit a report on Internet-based driver education for the instruction permit component by February 15, 2009, to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation finance and policy. The report must review and analyze current findings and studies on the feasibility, effectiveness, and impacts of Internet-based driver education programs for the instruction permit component, including program effectiveness for persons under age 18.

Sec. 123. **NULLIFICATION OF EXPEDITED TOWN ROAD EXTINGUISHMENT.**

(a) Any extinguishment of town interest in a town road under Minnesota Statutes, section 164.06, subdivision 2, is hereby nullified if:

(1) the interest was not recorded or filed with the county recorder but was recorded or filed with the county auditor prior to 1972;

(2) the state or a political subdivision has constructed a road or bridge improvement on a right-of-way affected by the interest;

(3) the affected road was the only means of access to a property;

(4) the extinguishment took place within the last ten years; and

(5) a person whose only access to property was lost because of the extinguishment files a petition of a nullification with the town board stating that the person's property became landlocked because of the extinguishment and that the road satisfies all of the requirements of paragraph (a), clauses (1) to (4). A copy of the road order found filed or recorded with the county auditor must be attached to the petition. The town shall file the petition with the county auditor and record it with the county recorder.

(b) Notwithstanding Minnesota Statutes, sections 164.08, subdivision 1, and 541.023, for any nullification under paragraph (a), the affected road is hereby deemed to be a cartway. No additional damages or other payments may be required other than those paid at the time the fee interest was originally acquired and the order filed with the county auditor. A cartway created by this paragraph may be converted to a private driveway under Minnesota Statutes, section 164.08, subdivision 2.

(c) For purposes of this section, "affected road" means the road in which the town board extinguished its interest.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 124. **WILLMAR AIRPORT.**

(a) Notwithstanding any law, rule, or agreement to the contrary, the commissioner of transportation may enter into an agreement with the city of Willmar to allow funds granted by the state to the city for land acquisition purposes at its former airport to instead be used by June 30, 2012, as the state's share of funds for aeronautical purposes at the city's new airport.

(b) Funds not spent pursuant to paragraph (a) by June 30, 2012, must be paid to the commissioner of transportation and deposited in the state airports fund.

Sec. 125. **AIRPORT ZONING EXCEPTION.**

(a) Notwithstanding any other law, rule, or ordinance to the contrary, the Eveleth-Virginia Municipal Airport Board of Adjustment must grant a variance to a property owner who resides in Safety Zone A of the Eveleth-Virginia Municipal Airport for the construction of, reconstruction of, remodeling of, or expansion of a structure in accordance with St. Louis County Ordinance 46, provided that the structure must not exceed the height restrictions imposed by the airport ordinance.

(b) Notwithstanding any other law, rule, or ordinance to the contrary, Safety Zone A of the Eveleth-Virginia Municipal Airport shall not include any residential building lot riparian to the east shore of St. Mary's Lake, St. Louis County provided such residential building lot was in existence on January 1, 1978.

Sec. 126. **REPEALER.**

(a) Minnesota Statutes 2006, sections 221.60, subdivisions 2, 3, 3a, 4, 5, and 6; 221.601; and 221.602, are repealed.

(b) Minnesota Statutes 2006, sections 168A.05, subdivision 5a; and 325E.0951, subdivision 3a, are repealed.

(c) Minnesota Statutes 2006, sections 473.1465; and 473.3994, subdivision 13, are repealed.

(d) Laws 1999, chapter 230, section 44, is repealed.

EFFECTIVE DATE. Paragraph (a) is effective the day following final enactment.

Sec. 127. **APPLICATION.**

Sections 95 to 112 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

EFFECTIVE DATE. This section is effective the day following final enactment.

ARTICLE 2

REGISTRATION PLATES

Section 1. Minnesota Statutes 2006, section 168.10, subdivision 1a, is amended to read:

Subd. 1a. **Collector's vehicle, pioneer license plate.** (a) Any motor vehicle manufactured prior to 1936 and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number

and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

(b) The number plate so issued shall bear the inscription "Pioneer," "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke said plate for failure to comply with this subdivision.

Sec. 2. Minnesota Statutes 2006, section 168.10, subdivision 1b, is amended to read:

Subd. 1b. **Collector's vehicle, classic car license plate.** (a) Any motor vehicle manufactured between and including the years 1925 and 1948, and designated by the ~~registrar of motor vehicles~~ commissioner as a classic car because of its fine design, high engineering standards, and superior workmanship, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and that the motor vehicle qualifies to be classified as a classic car, and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

(b) The number plate so issued shall bear the inscription "Classic Car," "Minnesota," and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke said plate for failure to comply with this subdivision.

(c) The following cars built between and including 1925 and 1948 are classic:

A.C.

Adler

Alfa Romeo

Alvis

Speed 20, 25, and 4.3 litre.

Amilcar

Aston Martin

Auburn

All 8-cylinder and 12-cylinder models.

Audi

Austro-Daimler

Avions Voisin 12

Bentley

Blackhawk

B.M.W.

Models 327, 328, and 335 only.

Brewster (Heart-front Ford)

Bugatti

Buick

1931 through 1942: series 90 only.

Cadillac

All 1925 through 1935.

All 12's and 16's.

1936-1948: Series 63, 65, 67, 70, 72, 75, 80, 85 and 90 only.

1938-1947: 60 special only.

1940-1947: All 62 Series.

Chrysler

1926 through 1930: Imperial 80.

1929: Imperial L.

1931 through 1937: Imperial Series CG, CH, CL, and CW.

All Newports and Thunderbolts.

1934 CX.

1935 C-3.

1936 C-11.

1937 through 1948: Custom Imperial, Crown Imperial Series C-15, C-20, C-24, C-27, C-33, C-37, and C-40.

Cord

Cunningham

Dagmar

Model 25-70 only.

Daimler

Delage

Delahaye

Doble

Dorris

Duesenberg

du Pont

Franklin

All models except 1933-34 Olympic Sixes.

Frazer Nash

Graham

1930-1931: Series 137.

Graham-Paige	1929-1930: Series 837.
Hispano Suiza	
Horch	
Hotchkiss	
Invicta	
Isotta Fraschini	
Jaguar	
Jordan	Speedway Series 'Z' only.
Kissel	1925, 1926 and 1927: Model 8-75. 1928: Model 8-90, and 8-90 White Eagle. 1929: Model 8-126, and 8-90 White Eagle. 1930: Model 8-126. 1931: Model 8-126.
Lagonda	
Lancia	
La Salle	1927 through 1933 only.
Lincoln	All models K, L, KA, and KB. 1941: Model 168H. 1942: Model 268H.
Lincoln Continental	1939 through 1948.
Locomobile	All models 48 and 90. 1927: Model 8-80. 1928: Model 8-80. 1929: Models 8-80 and 8-88.
Marmon	All 16-cylinder models. 1925: Model 74. 1926: Model 74. 1927: Model 75. 1928: Model E75. 1931: Model 88, and Big 8.
Maybach	
McFarlan	
Mercedes Benz	All models 2.2 litres and up.

Mercer

M.G.

6-cylinder models only.

Minerva

Nash

1931: Series 8-90.
1932: Series 9-90,
Advanced 8, and Ambassador 8.
1933-1934: Ambassador 8.

Packard

1925 through 1934: All models.
1935 through 1942: Models 1200, 1201, 1202, 1203, 1204,
1205, 1207, 1208, 1400, 1401, 1402, 1403, 1404, 1405, 1407,
1408, 1500, 1501, 1502, 1506, 1507, 1508, 1603, 1604, 1605,
1607, 1608, 1705, 1707, 1708, 1806, 1807, 1808, 1906, 1907,
1908, 2006, 2007, and 2008 only.
1946 and 1947: Models 2106 and 2126 only.

Peerless

1926 through 1928: Series 69.
1930-1931: Custom 8.
1932: Deluxe Custom 8.

Pierce Arrow

Railton

Renault

Grand Sport model only.

Reo

1930-1931: Royale Custom 8, and
Series 8-35 and 8-52 Elite 8.
1933: Royale Custom 8.

Revere

Roamer

1925: Series 8-88, 6-54e, and 4-75.
1926: Series 4-75e, and 8-88.
1927-1928: Series 8-88.
1929: Series 8-88, and 8-125.
1930: Series 8-125.

Rohr

Rolls Royce

Ruxton

Salmson

Squire

Stearns Knight

Stevens Duryea

Steyr

Studebaker 1929-1933: President, except model 82.

Stutz

Sunbeam

Talbot

Triumph Dolomite 8 and Gloria 6.

Vauxhall Series 25-70 and 30-98 only.

Voisin

Wills Saint Claire

(d) No commercial vehicles such as hearses, ambulances, or trucks are considered to be classic cars.

Sec. 3. Minnesota Statutes 2006, section 168.10, subdivision 1c, is amended to read:

Subd. 1c. **Collector's vehicle, collector plate.** (a) The owner of any self-propelled motor vehicle, including any truck, (1) that is (i) at least 20 model years old, or (ii) at least ten model years old and with a body or engine style of which not more than 500 were manufactured in or imported into the United States in any model year, (2) that was manufactured after 1935, and (3) that is owned and operated solely as a collector's vehicle, shall list the vehicle for taxation and registration as provided in paragraph (b).

(b) The owner shall execute an affidavit stating (1) the name and address of the person from whom purchased and of the new owner, (2) the make of the motor vehicle, (3) the year and number of the model, (4) the manufacturer's identification number, (5) in the case of a vehicle described in paragraph (a), clause (1)(ii), that the vehicle has a body or engine style of which not more than 500 were manufactured or imported into the United States in any model year, and (6) that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes.

(c) The owner shall provide a statement of the manufacturer or importer regarding the number of vehicles manufactured or imported during the model year.

(d) The owner shall also prove that the owner also has one or more vehicles with regular license plates.

If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list the vehicle for taxation and registration and shall issue a single number plate.

(e) The number plate issued shall bear the inscription "Collector," "Minnesota," and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner has the power to revoke the plate for failure to comply with this subdivision.

Sec. 4. Minnesota Statutes 2006, section 168.10, subdivision 1d, is amended to read:

Subd. 1d. **Collector's vehicle, street rod license plate.** Any modernized motor vehicle manufactured prior to the year 1949 or designed and manufactured to resemble such vehicle shall be listed for taxation and registration as follows:

An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year number of model, and the manufacturer's identification number. The affidavit shall further state that the vehicle is owned and operated solely as a street rod and not for general transportation purposes. The owner must also prove that the owner has one or more vehicles with regular license plates. If the registrar commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the registrar commissioner shall list such vehicle for taxation and registration and shall issue a single number plate.

The number plate issued shall bear the inscription "Street Rod", "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence in Minnesota. The registrar commissioner has the power to revoke such plate for failure to comply with this subdivision.

Sec. 5. Minnesota Statutes 2006, section 168.10, subdivision 1g, is amended to read:

Subd. 1g. **Original plates.** A vehicle registered pursuant to subdivision 1a, 1b, 1c or 1d may in lieu of being issued number plates by the registrar commissioner display original Minnesota number plates issued in the same year as the model year of the car on which they are displayed. The number of the original plates must be provided to the registrar commissioner. The original plates must be in good condition ~~and shall be used in pairs one to be displayed in the front of the car and one in the rear, except for an original plate issued in 1911, 1944, 1945, or 1946 which may be used singly and displayed at the rear of the vehicle.~~ Original Minnesota number plates shall not be used if the number on the original plate is identical to a number on any current ~~street rod~~ plate or any other plate in a numbering system used by the registrar commissioner ~~without written authorization from the commissioner~~. Any person currently using plates issued pursuant to subdivision 1a, 1b, 1c or 1d shall return those plates to the registrar commissioner before substituting original plates. The registrar may commissioner shall charge a fee of \$10 for registering the number on original plates.

Sec. 6. Minnesota Statutes 2006, section 168.10, subdivision 1h, is amended to read:

Subd. 1h. **Collector military vehicle.** (a) A motor vehicle, including a truck, shall be listed and registered under this section if it meets the following conditions:

(1) it is at least 20 years old;

(2) its first owner following its manufacture was a branch of the armed forces of the United States and it presently conforms to the vehicle specifications required during the time of military ownership, or it has been restored and presently conforms to the specifications required by a branch of the armed forces for the model year that the restored vehicle could have been owned by that branch of the armed forces; and

(3) it is owned by a nonprofit organization and operated solely as a collector's vehicle. For purposes of this subdivision, "nonprofit organization" means a corporation, society, association, foundation, or institution organized and operated exclusively for historical or educational purposes, no part of the net earnings of which inures to the benefit of a private individual.

(b) The owner of the vehicle shall execute an affidavit stating the name and address of the person from whom purchased and of the new owner; the make, year, and model number of the motor vehicle; the manufacturer's identification number; and the collector military vehicle identification number, if any, located on the exterior of the vehicle. The affidavit must affirm that the vehicle is owned by a nonprofit organization and is operated solely as a collector's item and not for general transportation purposes. If the ~~registrar~~ commissioner is satisfied that the affidavit is true and correct and the owner pays a \$25 tax and the plate fee authorized under section 168.12, the ~~registrar~~ commissioner shall list the vehicle for taxation and registration and shall issue number plates. The number plates shall bear the inscriptions "Collector" and "Minnesota" and the registration number, but no date. The number plates are valid without renewal as long as the vehicle is in existence in Minnesota. The ~~registrar~~ commissioner may revoke the plates for failure to comply with this subdivision.

(c) Notwithstanding section 168.09, 168.12, or other law to the contrary, the owner of a registered collector military vehicle is not required to display registration plates on the exterior of the vehicle if the vehicle has an exterior number identification that conforms to the identifying system for military vehicles in effect when the vehicle was last owned by the branch of the armed forces of the United States or in effect in the year to which the collector military vehicle has been restored. However, the state registration plates must be carried in or on the collector military vehicle at all times.

(d) The owner of a registered collector military vehicle that is not required to display registration plates under paragraph (c) may tow a registered trailer behind it. The trailer is not required to display registration plates if the trailer:

- (1) does not exceed a gross weight of 15,000 pounds;
- (2) otherwise conforms to registration, licensing, and safety laws and specifications;
- (3) conforms to military specifications for appearance and identification;
- (4) is intended to represent and does represent a military trailer; and
- (5) carries registration plates on or in the trailer or the collector military vehicle towing the trailer.

Sec. 7. Minnesota Statutes 2006, section 168.10, subdivision 1i, is amended to read:

Subd. 1i. **Collector plate transfer.** Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another vehicle owned or jointly owned by the person to whom the special plates were issued or the plate may be assigned to another owner. In addition to the transfer fee a new owner must pay the \$25 ~~plate tax~~ or and any fee required by section 168.12, subdivision 2a. The \$5 fee must be paid into the state treasury and credited to the highway user tax distribution fund. License plates issued under this section may not be transferred to a vehicle not eligible for the collector's vehicle license plates.

Sec. 8. Minnesota Statutes 2006, section 168.12, subdivision 1, is amended to read:

Subdivision 1. **Plates; design, visibility, periods of issuance.** (a) The commissioner, upon approval and payment, shall issue to the applicant the plates required by this chapter, bearing the state name and an assigned vehicle registration number. The number assigned by the commissioner may be a combination of a letter or sign with figures. The color of the plates and the color of the abbreviation of the state name and the number assigned must be in marked contrast. The plates must be lettered, spaced, or distinguished to suitably indicate the registration of the vehicle according to the rules of the commissioner.

(b) When a vehicle is registered on the basis of total gross weight, the plates issued must clearly indicate by letters or other suitable insignia the maximum gross weight for which the tax has been paid.

(c) The plates must be so treated as to be at least 100 times brighter than the conventional painted number plates. When properly mounted on an unlighted vehicle, the plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

(d) The commissioner shall issue plates for the following periods:

(1) New plates issued pursuant to section 168.012, subdivision 1, must be issued to a vehicle for as long as the vehicle is owned by the exempt agency and the plate shall not be transferable from one vehicle to another but the plate may be transferred with the vehicle from one tax-exempt agency to another.

(2) Plates issued for passenger automobiles must be issued for a seven-year period. All plates issued under this paragraph must be replaced if they are seven years old or older at the time of registration renewal or will become so during the registration period.

(3) Plates issued under sections 168.053 and 168.27, subdivisions 16 and 17, must be for a seven-year period.

(4) Plates issued under subdivisions 2c and 2d and section 168.123 must be issued for the life of the veteran under section 169.79.

(5) Plates for any vehicle not specified in clauses (1) to (3), ~~except for trailers as hereafter provided,~~ must be issued for the life of the vehicle. ~~Beginning with plates issued for the year 1981, plates issued for trailers with a total gross weight of 3,000 pounds or less must be issued for the life of the trailer and must be not more than seven inches in length and four inches in width.~~

(e) In a year in which plates are not issued, the commissioner shall issue for each registration a sticker to designate the year of registration. This sticker must show the year or years for which the sticker is issued, and is valid only for that period. The plates and stickers issued for a vehicle may not be transferred to another vehicle during the period for which the sticker is issued, except when issued for a vehicle registered under section 168.187.

(f) Despite any other provision of this subdivision, plates issued to a vehicle used for behind-the-wheel instruction in a driver education course in a public school may be transferred to another vehicle used for the same purpose without payment of any additional fee. The public school shall notify the commissioner of each transfer of plates under this paragraph. The commissioner may prescribe a format for notification.

Sec. 9. Minnesota Statutes 2006, section 168.12, subdivision 2, is amended to read:

Subd. 2. **Amateur radio licensee; special plates, rules.** (a) The commissioner shall issue amateur radio plates to an applicant who:

(1) is an owner of a passenger automobile or recreational motor vehicle;

(2) is a resident of this state;

(3) holds an official amateur radio station license or a citizens radio service class D license, in good standing, issued by the Federal Communications Commission;

(4) pays the registration tax required under section 168.013;

(5) pays a fee of \$10 for each set of special plates and any other fees required by this chapter; and

(6) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers;

(b) In lieu of the registration number required for identification under subdivision 1, the plates must indicate the official amateur call letters of the applicant, as assigned by the Federal Communications Commission, and the words "AMATEUR RADIO."

(c) This provision for the issue of special plates applies only if the applicant's motor vehicle is already registered in Minnesota so that the applicant has valid regular Minnesota plates issued for that motor vehicle under which to operate it during the time that it will take to have the necessary special plates made.

(d) If owning more than one motor vehicle of the type specified in this subdivision, the applicant may apply for special plates for each ~~of not more than two motor vehicles~~ motor vehicle and, if each application complies with this subdivision, the commissioner shall furnish the applicant with the special plates, indicating the official amateur call letters and other distinguishing information as the commissioner considers necessary, for each of the ~~two~~ motor vehicles.

(e) The commissioner may make reasonable rules governing the use of the special plates as will assure the full compliance by the owner of the special plates, with all existing laws governing the registration of motor vehicles and the transfer and use of the plates.

(f) Despite any contrary provision of subdivision 1, the special plates issued under this subdivision may be transferred by an owner to another motor vehicle listed in paragraph (a) and registered to the same owner, upon the payment of a fee of \$5. The commissioner must be notified before the transfer and may prescribe a format for the notification.

Sec. 10. Minnesota Statutes 2006, section 168.12, subdivision 2a, is amended to read:

Subd. 2a. **Personalized plates; rules.** (a) The commissioner ~~shall~~ may issue personalized plates or, if requested for special plates issued under section 168.123 for veterans, 168.124 for medal of honor recipients, or 168.125 for former prisoners of war, applicable personalized special veterans plates, to an applicant who:

(1) is an owner of a passenger automobile including a passenger automobile registered as a classic car, pioneer car, collector car, or street rod; any truck with a manufacturer's nominal rated capacity of one ton or less and resembling a pickup truck; a motorcycle, including a classic motorcycle; a motorized bicycle; a commuter van as defined in section 168.126; or a recreational ~~motor~~ vehicle;

(2) pays a onetime fee of \$100 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter for the motor vehicle; and

(4) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The commissioner shall charge a replacement fee for personalized license plates and personalized special veterans plates issued under section 168.123 as specified in subdivision 5. This fee must be paid by the applicant whenever the personalized plates are required to be replaced by law, except that as provided in section 168.124, subdivision 3, and 168.125, subdivision 1b, no fee may be charged to replace plates issued under those sections.

(c) In lieu of the registration number assigned as provided in subdivision 1, personalized plates and personalized special veterans plates must have imprinted on them a series of not more than seven numbers and letters, or five numbers and letters for personalized special veterans plates, in any combination and, as applicable, satisfy the design requirements of section 168.123, 168.124, or 168.125. When an applicant has once obtained personalized plates or personalized special veterans plates, the applicant shall have a prior claim for similar personalized plates or personalized special veterans plates in the next succeeding year as long as current motor vehicle registration is maintained.

(d) The commissioner shall adopt rules in the manner provided by chapter 14, regulating the issuance and transfer of personalized plates and personalized special veterans plates. No words or combination of letters placed on these plates may be used for commercial advertising, be of an obscene, indecent, or immoral nature, or be of a nature that would offend public morals or decency. The call signals or letters of a radio or television station are not commercial advertising for the purposes of this subdivision.

(e) Despite the provisions of subdivision 1, personalized plates and personalized special veterans plates issued under this subdivision may be transferred to another motor vehicle listed in paragraph (a) and owned by the applicant, upon the payment of a fee of \$5.

(f) The commissioner may by rule specify the format for notification.

(g) A personalized plate or personalized special veterans plate issued for a classic car, pioneer car, collector car, street rod, or classic motorcycle may not be transferred to a vehicle not eligible for such a plate.

(h) Despite any law to the contrary, if the personalized license plates are lost, stolen, or destroyed, the applicant may apply and must be issued duplicate license plates bearing the same combination of letters and numbers and the same design as (1) the former personalized plates or personalized special veterans plates under section 168.123 upon the payment of the fee required by section 168.29 or (2) the former personalized special veterans plates issued under section 168.124 or 168.125, without charge.

Sec. 11. Minnesota Statutes 2006, section 168.12, subdivision 2b, is amended to read:

Subd. 2b. **Firefighters; special plates, rules.** (a) The commissioner shall issue special plates, or a single license plate in the case of a motorcycle plate, to any applicant who:

(1) is ~~both~~ a member of a fire department receiving state aid under chapter 69, has a letter from the fire chief, and is an owner of a passenger automobile, a truck with a manufacturer's nominal rated capacity of one ton and resembling a pickup truck, or a motorcycle;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter for the motor vehicle; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) In lieu of the identification required under subdivision 1, the special plates must bear an emblem of a Maltese Cross together with any numbers or characters prescribed by the commissioner. ~~No applicant shall receive more than two sets of plates for motor vehicles owned by the applicant.~~

(c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of a fire department as specified in this subdivision. When the individual to whom the special plates were issued is no longer a member of a fire department or when the motor vehicle ownership is transferred,

the owner shall remove the special plates from the motor vehicle. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, or special motorcycle plate, either the owner or purchaser of the motor vehicle ~~is entitled to receive regular plates or a regular motorcycle plate for the motor vehicle without cost for the remainder of the registration period for which the special plate or plates were issued~~ shall obtain regular plates or a regular motorcycle plate for the proper registration classification for the motor vehicle.

(d) A special motorcycle license plate issued under this subdivision must be the same size as a standard motorcycle license plate.

(e) Upon payment of a fee of \$5, plates issued under this subdivision for a passenger automobile or truck may be transferred to another passenger automobile or truck owned or jointly owned by the person to whom the plates were issued. On payment of a fee of \$5, a plate issued under this subdivision for a motorcycle may be transferred to another motorcycle owned or jointly owned by the person to whom the plate was issued.

(f) The commissioner may adopt rules under the Administrative Procedure Act, sections 14.001 to 14.69, to govern the issuance and use of the special plates authorized in this subdivision.

Sec. 12. Minnesota Statutes 2006, section 168.12, subdivision 2c, is amended to read:

Subd. 2c. **National Guard; special plates, rules.** (a) The commissioner shall issue special plates to any applicant who:

(1) is a regularly enlisted, commissioned, or retired member of the Minnesota National Guard, other than an inactive member who is not a retired member, and is an owner of a passenger automobile;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) The adjutant general shall design the emblem for these special plates subject to the approval of the commissioner.

~~(c) An applicant must not be issued more than two sets of plates for motor vehicles registered to the applicant.~~

~~(d)~~ (c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is an active or retired member of the Minnesota National Guard as specified in this subdivision. When the individual to whom the special plates were issued is no longer an active or retired member of the Minnesota National Guard, the special plates must be removed from the vehicle by the owner. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. Upon removal or invalidation of the special plates, either the owner or purchaser of the motor vehicle ~~is entitled to receive regular plates for the motor vehicle without cost for the remainder of the registration period for which the special plates were issued~~ shall obtain regular plates for the motor vehicle.

~~(e)~~ (d) While the person is an active or retired member of the Minnesota National Guard, plates issued pursuant to this subdivision may be transferred to another motor vehicle owned by that individual upon payment of a fee of \$5.

~~(f)~~ (e) For purposes of this subdivision, "retired member" means an individual placed on the roll of retired officers or roll of retired enlisted members in the Office of the Adjutant General under section 192.18 and who is not deceased.

~~(g)~~ (f) The commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 13. Minnesota Statutes 2006, section 168.12, subdivision 2d, is amended to read:

Subd. 2d. **Ready Reserve; special plates, rules.** (a) The commissioner shall issue special plates to an applicant who:

(1) is not eligible for special National Guard plates under subdivision 2c, is a member of the United States armed forces ready reserve as described in United States Code, title 10, section 10142 or 10143, or a retired reserve as described in United States Code, title 10, section 10154, and is an owner of a passenger automobile;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) The commissioner of veterans affairs shall design the emblem for these special plates subject to the approval of the commissioner.

~~(e) An applicant must not be issued more than two sets of plates for motor vehicles owned by the applicant.~~

~~(d)~~ (c) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of the ready reserve. When the owner is no longer a member, the special plates must be removed from the motor vehicle by the owner. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. On removing removal or invalidation of the special plates, either the owner or purchaser of the motor vehicle is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the special plates were issued shall obtain regular plates for the motor vehicle. While the owner is a member of the ready reserve, plates issued under this subdivision may be transferred to another motor vehicle owned by that individual on paying a fee of \$5.

~~(e)~~ (d) The commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 14. Minnesota Statutes 2006, section 168.12, subdivision 2e, is amended to read:

Subd. 2e. **Volunteer ambulance attendants; special plates.** (a) The commissioner shall issue special license plates to an applicant who:

(1) is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15, and owns a motor vehicle taxed as a passenger automobile;

(2) pays the registration tax required by this chapter for the motor vehicle;

(3) pays a fee of \$10 and any other fees required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

~~(b) The commissioner shall not issue more than two sets of these plates to each qualified applicant.~~

~~(e)~~ (b) An individual may use special plates issued under this subdivision only during the period that the individual is a volunteer ambulance attendant. When the individual to whom the special plates were issued ceases to be a volunteer ambulance attendant, the individual shall remove each set of special plates issued. If the commissioner receives written notification that an individual is no longer qualified for these special plates, the commissioner shall invalidate the plates and notify the individual of this action. The individual may retain the plate only upon demonstrating compliance with the qualifications of this subdivision. When ownership of the motor vehicle is transferred, the individual shall remove the special plates from that motor vehicle. On removal or invalidation of each set of the special plates, the owner or purchaser of the motor vehicle, ~~or new owner in case of a transferred motor vehicle, is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the set of special plates were issued shall obtain regular plates for the motor vehicle.~~ Special plates issued under this subdivision may be transferred to another motor vehicle owned by the volunteer ambulance attendant on payment of a fee of \$5.

~~(d)~~ (c) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision."

Delete the title and insert:

"A bill for an act relating to transportation; modifying or adding provisions relating to agency duties and activities, eminent domain, highways and roads, commercial vehicles, signs, highway construction contracting, transportation research, bridge inspection, special mobile equipment, motor vehicles, vehicle registration and title, traffic regulations, towing, commercial motor vehicles, recreational vehicle combinations, parking violations, vehicle length and weight, vehicle permits, statewide transportation goals and plan, drivers' licenses and identification cards, pavement analysis, special transportation services, motor carriers, commercial vehicles and drivers, light rail transit and other transit services and facilities, and transit police; creating position of state rail inspector; requiring studies and reports; providing penalties; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 117.51; 117.52, subdivision 1a; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 161.53; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168.1255, by adding a subdivision; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2; 169.34; 169.471; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.829, subdivision 2; 169.86, subdivision 5, by adding a subdivision; 169.862; 169.864, subdivisions 1, 2; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.30, subdivisions 4, 9; 218.041, subdivision 6; 221.031, subdivision 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.037, subdivision 1; 221.091, subdivision 2; 221.141, subdivision 1; 221.231; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision;

299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.407, subdivision 1; 473.408, by adding subdivisions; 609.531, subdivision 1; Minnesota Statutes 2007 Supplement, section 168.12, subdivision 5; Laws 2005, First Special Session chapter 1, article 4, section 39; Laws 2008, chapter 152, article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44."

We request the adoption of this report and repassage of the bill.

House Conferees: FRANK HORNSTEIN, MICHAEL V. NELSON, SHELLY MADORE AND MELISSA HORTMAN.

Senate Conferees: STEVE MURPHY, ANN H. REST, MICHAEL J. JUNGBAUER AND JIM CARLSON.

Magnus moved that the House refuse to adopt the Conference Committee report on H. F. No. 1351 and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Magnus motion and the roll was called. There were 47 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Garofalo	Howes	Ozment	Simpson
Anderson, S.	Dettmer	Gottwalt	Kohls	Paulsen	Smith
Beard	Dittrich	Gunther	Lanning	Peppin	Urdahl
Berns	Drazkowski	Hackbarth	Magnus	Peterson, N.	Wardlow
Brod	Eastlund	Hamilton	McFarlane	Ruth	Westrom
Buesgens	Emmer	Heidgerken	McNamara	Seifert	Wollschlager
Cornish	Erickson	Holberg	Nornes	Severson	Zellers
Dean	Finstad	Hoppe	Olson	Shimanski	

Those who voted in the negative were:

Abeler	DeLaForest	Haws	Knuth	Marquart	Paymar
Anzelc	Dill	Hilstrom	Koenen	Masin	Pelowski
Atkins	Dominguez	Hilty	Laine	Moe	Peterson, A.
Benson	Doty	Hornstein	Lenczewski	Morgan	Peterson, S.
Bigham	Eken	Hortman	Lesch	Morrow	Poppe
Bly	Erhardt	Hosch	Liebling	Mullery	Rukavina
Brown	Faust	Huntley	Lieder	Murphy, E.	Ruud
Brynaert	Fritz	Jaros	Lillie	Murphy, M.	Sailer
Bunn	Gardner	Johnson	Loeffler	Nelson	Scalze
Carlson	Greiling	Juhnke	Madore	Norton	Sertich
Clark	Hansen	Kahn	Mahoney	Olin	Simon
Davnie	Hausman	Kalin	Mariani	Otremba	Slawik

Slocum	Thao	Tingelstad	Ward	Spk. Kelliher
Solberg	Thissen	Wagenius	Wolti	
Swails	Tillberry	Walker	Winkler	

The motion did not prevail.

Hornstein moved that the report of the Conference Committee on H. F. No. 1351 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1351, A bill for an act relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, the highway sign franchise program, streets and highways, highway safety rest areas, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, traffic regulations, flammable liquid definition, drivers' licenses and identification cards, driver records and education, the Real ID Act, traffic-control signals, transportation goals and mission, statewide transportation plan, metropolitan transportation system performance evaluations, transportation contracts, rail service improvement, use of rail bank property, local airports, towing, vehicle impoundments, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, paper product vehicle routes and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, and the Railroad Walkways Safety Act; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.087, subdivision 1, by adding a subdivision; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2, by adding subdivisions; 169.34; 169.471, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.86, subdivision 5, by adding a subdivision; 169.862; 169.864, subdivisions 1, 2; 169.87, subdivision 4; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.12, subdivision 6; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221, subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.408, by adding subdivisions; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121,

subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 88 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Hosch	Loeffler	Otremba	Solberg
Anzelc	Eken	Huntley	Madore	Ozment	Swails
Atkins	Erhardt	Jaros	Mahoney	Paymar	Thao
Benson	Faust	Johnson	Mariani	Pelowski	Thissen
Bigham	Fritz	Juhnke	Marquart	Peterson, A.	Tillberry
Bly	Gardner	Kahn	Masin	Peterson, S.	Tingelstad
Brown	Greiling	Kalin	Moe	Poppe	Wagenius
Brynaert	Hansen	Knuth	Morgan	Rukavina	Walker
Bunn	Hausman	Koenen	Morrow	Ruud	Ward
Carlson	Haws	Laine	Mullery	Sailer	Welti
Clark	Heidgerken	Lenczewski	Murphy, E.	Scalze	Winkler
Davnie	Hilstrom	Lesch	Murphy, M.	Sertich	Wollschlager
Dill	Hilty	Liebling	Nelson	Simon	Spk. Kelliher
Dittrich	Hornstein	Lieder	Norton	Slawik	
Dominguez	Hortman	Lillie	Olin	Slocum	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Garofalo	Kohls	Peppin	Urdahl
Anderson, S.	Demmer	Gottwalt	Lanning	Peterson, N.	Wardlow
Beard	Dettmer	Gunther	Magnus	Ruth	Westrom
Berns	Drazkowski	Hackbarth	McFarlane	Seifert	Zellers
Brod	Eastlund	Hamilton	McNamara	Severson	
Buesgens	Emmer	Holberg	Nornes	Shimanski	
Cornish	Erickson	Hoppe	Olson	Simpson	
Dean	Finstad	Howes	Paulsen	Smith	

The bill was repassed, as amended by Conference, and its title agreed to.

MOTIONS AND RESOLUTIONS

Pelowski moved that the name of Morgan be added as an author on H. F. No. 3415. The motion prevailed.

Moe moved that the name of McNamara be added as an author on H. F. No. 3935. The motion prevailed.

Gardner moved that the names of Peterson, S.; Bigham; Laine; Hortman; Hilstrom; Kalin; Greiling; Dittrich; Kranz; Simon; Tillberry; Swails; Madore and Hansen be added as authors on H. F. No. 4188. The motion prevailed.

Westrom, Hoppe, Nornes, Gunther, Hackbarth, Beard and Magnus moved that H. F. No. 3644, now on the Calendar for the Day, be re-referred to the Committee on Finance.

A roll call was requested and properly seconded.

The question was taken on the Westrom et al motion and the roll was called. There were 38 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Garofalo	Lanning	Peppin	Wardlow
Beard	Dettmer	Gottwalt	Magnus	Ruth	Westrom
Berns	Drazkowski	Gunther	McFarlane	Seifert	Zellers
Brod	Eastlund	Hackbarth	McNamara	Severson	
Buesgens	Emmer	Hamilton	Nornes	Shimanski	
Cornish	Erickson	Hoppe	Olson	Simpson	
DeLaForest	Finstad	Kohls	Paulsen	Smith	

Those who voted in the negative were:

Abeler	Doty	Hosch	Loeffler	Paymar	Thao
Anderson, S.	Eken	Howes	Madore	Pelowski	Thissen
Anzelc	Erhardt	Huntley	Mahoney	Peterson, A.	Tillberry
Atkins	Faust	Jaros	Mariani	Peterson, N.	Tingelstad
Benson	Fritz	Johnson	Marquart	Peterson, S.	Urdahl
Bigham	Gardner	Juhnke	Masin	Poppe	Wagenius
Bly	Greiling	Kahn	Moe	Rukavina	Walker
Brown	Hansen	Kalin	Morgan	Ruud	Ward
Brynaert	Hausman	Knuth	Morrow	Sailer	Welti
Bunn	Haws	Koenen	Mullery	Scalze	Winkler
Carlson	Heidgerken	Laine	Murphy, E.	Sertich	Wollschlager
Clark	Hilstrom	Lenczewski	Murphy, M.	Simon	Spk. Kelliher
Davnie	Hilty	Lesch	Nelson	Slawik	
Dill	Holberg	Liebling	Norton	Slocum	
Dittrich	Hornstein	Lieder	Olin	Solberg	
Dominguez	Hortman	Lillie	Otremba	Swails	

The motion did not prevail.

Clark moved that H. F. No. 3944 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Finance. The motion prevailed.

Hornstein moved that H. F. No. 4078 be recalled from the Committee on Finance and be re-referred to the Committee on Taxes. The motion prevailed.

ADJOURNMENT

Seifert moved that when the House adjourns today it adjourn until 9:00 a.m., Wednesday, April 16, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Wednesday, April 16, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives